

Columbia Foundation
Articles and Reports
August 2012 – March 2013

1. [J Weekly, October 18, 2012](#)

Foundation launched in 1940 by Haas siblings to close

The writer says, “Columbia Foundation – whose recent grantees include the Contemporary Jewish Museum, Congregation Emanu-El, the New Israel Fund and the San Francisco Jewish Film Festival – announced this week that it will cease operations by the end of 2013 and split into three separate foundations. Columbia is one of the earliest family foundations in the Bay Area, and the oldest of the extended Haas family foundations. Since its inception in 1940, it has granted approximately \$85 million, much of it to the arts and human rights causes. Madeleine (Haas) Russell and her brother, William Haas, founded Columbia when she was 25 and he 24. William Haas died three years later, leaving Russell to lead the foundation until her death in 1999. Some of the Columbia Foundation’s first grants in the 1940s were seen as cutting-edge, such as helping provide birth-control education and supplies to migrant women. The foundation also supported the college education of Japanese-American youth from the internment camps during World War II. According to a spokesperson for the foundation, the foundation is closing because Russell’s three children, who comprise the board of trustees, would rather continue their philanthropy through three separate foundations. The assets will be divided among family foundations headed by Alice Russell-Shapiro, Charles Russell and Christine Russell.” Alice Russell-Shapiro says, “My sister, brother and I have well-developed philanthropic interests that have complemented one another throughout our 35 years on the board. This transition will allow us to focus on each of our interests, and to involve our children, as our mother always hoped. Together with the next generation, our family’s tradition of philanthropy will continue.”

2. [San Francisco Business Times, October 18, 2012](#)

Columbia, a Haas Family Foundation, closes

The writer says, “After 72 years, the first of the extended Haas Family Foundations, the Columbia Foundation, is closing its doors. Columbia is known for funding a number under-supported causes, such as birth-control education in the 1940’s and college education for Japanese-American youth from internment camps during World War II. The foundation also gave the first start-up grant to the San Francisco Foundation in 1948.” Evan Wolfson, founder and president of Freedom to Marry (a Columbia grantee), says, “Columbia Foundation has been ahead of its time. Its approach to giving is an early model of venture philanthropy – zeroing in on cutting-edge causes, providing grantees with seed funding to help get them off the ground, and repeated grants to build capacity or develop a field.”

Arts and Culture

ARCOLA THEATER

\$35,000 awarded from the Columbia Foundation Fund of the London Community Foundation in September 2009 for *The Mare Rider*, a new play inspired by a myth originally from Mesopotamia, by Leyla Nazli

3. [Exeunt Magazine, January 2013](#)

Mare Rider at Arcola Theatre

4-out-of-5 star review of *The Mare Rider*; the writer says, “Kathryn Hunter’s performance is a force of nature in the most literal sense, whipping up bedsheets in a hurricane of weedy vigour – slight, she still

exerts physical threat, her rasping voice addictively mesmerising...Couched in myth, whimsy squats darkly at the heart of this play; her magic has all the comfort of Smarties offered in place of anaesthetic.”

4. [The Guardian \(London\), January 28, 2013](#)

Mare Rider – review

3-out-of-5 star review of *The Mare Rider*; the writer says that the play is an “ambitious exploration of the terrors and perils of childbirth” with “a chameleonic performance by Kathryn Hunter as Elka...who seems simultaneously to be channelling the Jungian unconscious and Lemmy from Motörhead.”

5. [London Evening Standard, January 28, 2013](#)

3-out-of-5 star review of *The Mare Rider*; the writer says it is “an intense and unsettling play that confirms Leyla Nazli as a writer to track.”

6. [Whatsonstage.com, January 28, 2013](#)

4-out-of-5 star review of *The Mare Rider*; the writer says, “Under the direction of Mehmet Ergen, the production is majestic and moving. He expertly sets an even pace for the constantly changing dynamic between the women. Nazli’s talent lies in drawing together these contrasting versions of feminism, with simplicity and style...and the combination of myth and reality seems the perfect backdrop for a debate that continually asks: can we have it all?”

7. [Time Out London, January 31, 2013](#)

Review of *The Mare Rider*; the writer says, “Leyla Nazli’s enigmatic new play is a bedtime story with a difference. Elka is also reminiscent of Caryl Churchill’s folkloric death portent-cum-storyteller *The Skriker*. Vivid poetry...a powerful talisman for a question that’s as pertinent to today’s women as ever – the nature, and price, of freedom.”

8. [Youtube.com by Europe Now, February 6, 2013](#)

Leyla Nazli, Writer “MARE RIDER”

Interview of Leyla Nazli, writer of *The Mare Rider* [embedded video; YouTube link also provided]

CONTEMPORARY JEWISH MUSEUM

\$330,000 awarded since 2007, including \$30,000 in August 2012 for the spring 2013 exhibition of *The World Stage: Israel*, a work by African-American artist Kehinde Wiley, which explores the global Diaspora through portraits based on photographs that the artist took of men of diverse religions and ethnicities living in Israel

9. [Youtube.com by The Contemporary Jewish Museum, January 31, 2013](#)

Kehinde Wiley | *The World Stage: Israel*

Interview of artist Kehinde Wiley regarding *The World Stage: Israel* [embedded video; YouTube link also provided]

10. [J Weekly, February 7, 2013](#)

Sons of Israel: Kehinde Wiley paintings celebrate the men of the Holy Land

Preview of *The World Stage: Israel*, on display February 14 through May 27, 2013, at the Contemporary Jewish Museum in San Francisco. Wiley says of his work, “History is always an important character. What I enjoy about painting is the conversation between the present and the past. In the modern streets of Israel you’ll see echoes of very old traditions and very old religious affinities.”

11. [San Francisco Chronicle, February 13, 2013](#)

Kehinde Wiley brings 'World Stage' to San Francisco

Kehinde Wiley's *The World Stage: Israel* consists of portraits of "proud urban Arab and Jewish men, posed before stunningly intricate backdrops drawn from Jewish decorative art" on display at the Contemporary Jewish Museum. Wiley, an African-American artist, was born in Los Angeles, educated as an undergraduate at the San Francisco Art Institute, and is now based in New York City and Beijing. Though he is neither Arab nor Jewish, his "outsider perspective" has been critical to his work. Wiley says, "It has to do with access: What gives you the right to talk about certain subject matter as a young black American artist? In many ways, I had to deal with that question very early on, in dealing with the Renaissance, the tradition of Western painting and portrait making. That was the tradition I was breast-fed upon – which comes out of a decadent tradition of painting within the context of the domination of black and brown peoples from around the world. It was one of the tools of subjugation, in many ways. What's interesting about the 21st century is how people deal with cultural history. We don't necessarily feel like there are discrete categories. We consume it as a complete package, whether it's down the street or on the other side of the globe."

12. [KQED, February 17, 2013](#)

Background Considerations: Kehinde Wiley at Contemporary Jewish Museum

Review of Kehinde Wiley's *The World Stage: Israel*; the writer says, "Kehinde Wiley is perhaps the most successful American painter of this generation. His hyperrealist portraits largely focus on black and brown men, painted against elaborate decorative motifs sampled from history. Just in his mid-thirties, he is also a prime example of an enterprising international artist with working studios and assistants in New York and Beijing, with perhaps more to come. The exhibition on view at the Contemporary Jewish Museum is nothing short of masterful, but it is worth considering how many masters were involved in its production, from woodcarvers to painters, and the larger cultural implications of its existence on the world stage."

13. [The Economist, February 18, 2013](#)

The portraits of Kehinde Wiley – The black diaspora, via Israel

For his *World Stage* series, Kehinde Wiley has traveled around the world painting portraits of black men from the streets of India, China, Brazil, Nigeria, and Senegal. *The World Stage: Israel* is his most recent work; his portraits of confident black Israeli Arabs and Jews are on view at San Francisco's Contemporary Jewish Museum through May 27, 2013. Wiley says, "How do you have a conversation about Israel without discussing Palestine? And who am I to have the conversation I'm trying to have? I can allow myself to be destabilised and find new histories."

DOOR DOG PRODUCTIONS

\$100,000 awarded since August 2010, including \$50,000 in July 2011 for *The Opera Project*, a trans-Pacific multi-dimensional opera employing the use of simultaneous live performances and interactive virtual technology in both Taipei and San Francisco; and \$30,000 in August 2012 for *The Propaganda Project*

14. [San Francisco Chronicle, October 31, 2012](#)

San Francisco World Music Festival unites cultures

Door Dog Music Productions, which puts on the San Francisco World Music Festival and runs music schools in Kyrgyzstan and Taiwan with the aim of preserving vanishing musical traditions and sharing them with the wider world, traveled around the world putting together *The Opera Project*, in which musicians from many nations share the stage, and appear on film from remote places, in pan-cultural operatic performances featuring a Beijing percussionist, a Baroque viol player, a Korean singer, a tar (long-necked Persian lute) player from Azerbaijan, masked Tibetan dancers, and a North Indian tabla master. Michael Santoro, the festival founder and Artistic Director, says, "We're trying to bring all

this music together in a very studied way, where we can combine all the different scale structures and rhythms, the nuances of emotion and feeling, and merge them into a new sound, a new form. We're creating an environment that's new for all the cultures involved."

JOE GOODE PERFORMANCE GROUP

\$51,000 awarded since 1992, including \$20,000 in August 2012 for to create an ongoing creative audience-engagement project known as *The Human Kind Series*

15. [The Collegian \(Kansas State University\), February 28, 2013](#)

Performance group delivers acute portrayal of military resilience

Nichols Theatre at Kansas State University hosted the debut presentation of *Human Kind: What Does it Mean to be Resilient?* by Joe Goode Performance Group. The writer says, "With ninety percent of the spoken lines coming verbatim from the stories and accounts of those coping with the stresses that come with a military lifestyle, there was little theatrical illusion. Truth was abundant, and the emotions were raw for many audience members." The 18-month process involved considerable back and forth between Briana Goff, director of the Institute for the Health and Security of Military Families at Kansas State, Art DeGroat, director of Military Affairs for Kansas State, and military personnel and their families. Joe Goode and his dance troop finalized the performance earlier during the week before taking it to the stage in front of an invitation crowd on February 27, 2013. Goode was adamant about the necessity of portraying the stories as directly as possible by his group through the mediums of modern dance, spoken word, and music. Goode says, "If you made it up, it would be 'theatrical' in a very empty way, and that would not work. The fact that it is real material from real people is what allows it to resonate, and what allows us to feel so invested in it as audience members or performers."

LONTANO TRUST

\$30,359 awarded from the Columbia Foundation Fund of the London Community Foundation in August 2010 for *Full Moon in March*, a new chamber opera by American composer John Harbison

16. [The Guardian \(London\), October 25, 2012](#)

Full Moon in March – review

3-out-of-5 star review of *Full Moon in March*; the writer says, "The centrepiece of the latest London Festival of American Music is an operatic premiere, the first performances in Europe of John Harbison's 1977 one-act chamber opera *Full Moon in March*, given in a minimal staging devised by Carmen Jakobi, and conducted by Odaline de la Martinez. Harbison called it an 'emblematic, ritual opera,' adapting the text from a late, symbol-laden play by WB Yeats, set in an unspecific, mythic kingdom. A filthy swineherd, driven insane by his solitude, is brought before a veiled, unfulfilled queen and attempts to seduce her. She is both fascinated and appalled by the man, but finally rejects him, decapitating him before her shadow begins a Salome-like dance with the severed head, leaving her two attendants to comment on what has taken place. Yet somehow the power of this strange little ritual is reflected in Harbison's propulsive music, in which a prepared piano (with hints of John Cage's early dance pieces for Merce Cunningham) seems to represent the primeval world that is unlocked by the drama."

17. [The Independent \(London\), October 28, 2012](#)

Lontano/De la Martinez, The Warehouse, London Exaudi, Wigmore Hall, London

Review of *Full Moon in March*; the writer says, "When the humble shepherd comes a-calling on the icy princess, fairytale convention dictates that the ardour of his honest love melt her frozen heart, and a wedding ensue. But the bleak storyline of John Harbison's chamber opera *Full Moon in March*, inspired by Yeats' play (not surprisingly, rarely performed) and staged for the fourth London Festival of American Music, denies the redemptive happy ending. Harbison's ambitious swineherd is a filthy, muscular creep, the princess he woos a spiteful despot. In their hateful world are only two malign attendants and the princess's alter ego, a lascivious dancer. So with not a glimpse of loveliness on stage, it rests with the

music to reveal beauty in this hostile landscape. And it is there, in the arching, aching lines of Jeremy Huw Williams's meatily sung *Swineherd*, reminiscent of Britten's *Peter Grimes*, longing poisoned by lechery proving lethal. Those so squeamish they hide behind the sofa when George Osborne comes on screen might recoil at the climactic pas de deux with the severed head of the *Swineherd*, and fatal kiss on lifeless lips. But Gwen Elfyn Jones' low dance to the death was a mesmerising spectacle, egged on by Harbison's relentless score and dark orchestration, the insistent bass clarinet and Barnaby Archer's percussion presaging a terrible end. Matthew Deeley's design for Carmen Jakobi's production echoed the narrative's cool oriental clarity as well as the characters' commedia singularity."

LOS CENZONTLES

\$225,000 awarded since 2004, including a three-year \$150,000 grant in July 2006 for *Cultures of Mexico in California*, a multi-media performance and educational project to document, teach, present, and disseminate traditional and classical Mexican music and dance, and to examine the evolving cultural identities among Mexican immigrants and Mexican Americans in the U.S.

18. [San Francisco Chronicle, December 12, 2012](#)

Eugene Rodriguez earns artist fellowship

Eugene Rodriguez, founder of Los Cenzontles in San Pablo, California, is one of 50 artists who have received a \$50,000 grant from United States Artists Fellowships.

MAGIC THEATRE

\$298,500 awarded since 1980, including \$35,000 in August 2012 for the *2012-2013 Season*

19. [San Francisco Chronicle, September 21, 2012](#)

'The Other Place' review: Gripping

Review of *The Other Place*, a play by Sharr White, directed by artistic director Loretta Greco at Magic Theatre; the writer says, "*Other* could be the breakthrough play for White, a former acting student at San Francisco State University with a master's degree from ACT. *Other* is opening in a Manhattan Theatre Company production on Broadway in December, and White has used the Magic run to make some key rewrites after its well-received off-Broadway premiere. It's a grippingly told tale as staged by Loretta Greco to open her fifth season as the Magic's producing artistic director. Every element falls perfectly into place, from the transformative shifting realities of Myung Hee Cho's set, Hana Sooyeon Kim's video design and Brandon Wolcott's hauntingly domestic sound effects to the pinpoint precision of the performances within White's fractured-scene format."

20. [Youtube.com by Magic Theatre, November 6, 2012](#)

Inside the World Premiere of ANOTHER WAY HOME at Magic Theatre

Director Meredith McDonough and the cast talk about working with playwright Anna Ziegler as they put together the world premiere of *Another Way Home* at Magic Theatre. [This is an embedded video; a YouTube link is also provided.]

21. [The San Francisco Examiner, November 16, 2012](#)

Family woes fill Magic Theatre's production of 'Another Way Home'

Review of *Another Way Home*; the writer says, "Anna Ziegler's drama, in its world premiere at Magic Theatre, examines the human condition through the prism of a contemporary, educated, middle-class American family. Ziegler's dealing with perennial mysteries such as the way a parent can love a seemingly unlovable child, the nature of truly listening to partners and how long-term marriages can fray around the edges for the most elusive reasons."

22. [San Francisco Chronicle, January 31, 2013](#)

'Se Llama Cristina' review: Baby on board? Maybe.

Review of *Se Llama Cristina*, a new play by Octavio Solis, directed by Loretta Greco; the writer says, “Solis’ rich intermarriage of gritty expletive-studded and lyrically allusive language carries it a long way. And the fully formed, simmering performances of San José, Hayon and Gnapp keep it riveting, right through the final disposition...”

MERIDIAN GALLERY

\$10,000 awarded in August 2012 for *Dark Nights, Bright Lights*, a cross-disciplinary festival of sound art, visual arts, installations, performance, and community participation that explores ancient rituals within contemporary-art practices

23. [San Francisco Chronicle, December 12, 2012](#)

Meridian Gallery show on ancient rituals

Jewlia Eisenberg’s “intriguing” new multimedia installation riffs on teraphim, “the mysterious house-gods that the Babylonians, Hebrews and other ancient Near Easterners used to divine the future...,” as part of the group show *Dark Nights, Bright Lights: Artists Respond to Rituals & Traditions in the Homeplace and Beyond*, which includes performances that draw on ancient Korean myth, Persian solstice rituals, and “Jewish songs about eggplant and fire-worship,” also offered to celebrate the darkest night of the year.

MUSIC THEATRE WALES

\$91,272 awarded from the Columbia Foundation Fund of the London Community Foundation since 2009, including \$41,272 in July 2011 to commission and present in London two new 45-minute operas from rising-star composers and major writers: (1) *In the Locked Room* by composer Huw Watkins and poet David Harsent, and (2) *Ghost Patrol* by composer Stuart MacRae and writer Louise Welsh

24. [Youtube.com by Music Theatre Wales, August 2, 2012](#)

Michael McCarthy talks about In the Locked Room

Michael McCarthy talks about the new opera *In the Locked Room*, which is directed by McCarthy and written by Huw Watkins with a libretto by David Harsent. [This is an embedded video; a YouTube link is also provided.]

25. [Youtube.com by Music Theatre Wales, September 4, 2012](#)

Matthew Richardson talks about Ghost Patrol

Matthew Richardson talks about the new opera *Ghost Patrol*, which is directed by Richardson and written by Stuart MacRae with a libretto by Louise Welsh. [This is an embedded video; a YouTube link is also provided.]

26. [The Guardian \(London\), August 31, 2012](#)

In the Locked Room/Ghost Patrol – Edinburgh festival review

4-out-of-5 star review of *In a Locked Room* and *Ghost Patrol*; the writer says, “...the double bill of one-act operas by Huw Watkins and Stuart MacRae is actually a Music Theatre Wales show; both works are conducted by one of the company’s artistic directors, Michael Rafferty, while the other, Michael McCarthy, directs Watkins’s piece.” About *In a Locked Room*, the writer says, “There’s no spare flesh on Harsent’s lapidary text, nor on Watkins’s vocal writing; the textures he draws from the 14 instrumentalists in the pit have a Britten-like economy, every one fit for its expressive purpose. It’s a beautifully crafted piece of music theatre, unfussily staged by McCarthy, with fine performances from Ruby Hughes as Ella, Håkan Vramsmo as Pascoe, Louise Winter as the randy owner of the house, and Paul Curievici as Ella’s money-obsessed husband.” About *Ghost Patrol*, the writer says, “Louise Welsh’s text is over-wordy and ridden with clichés; the instrumental writing and the sonorities in MacRae’s score are far more striking than his vocal lines. The performances – James McOran-Campbell and Nicholas Sharratt the ex-soldiers,

Jane Harrington as the girl caught between them – are first-rate, though, and Matthew Richardson's production does everything required of it..."

27. [London Evening Standard, September 28, 2012](#)

In the Locked Room/Ghost Patrol, Linbury Studio Theatre - review

3-out-of-5 star review of *In a Locked Room* and *Ghost Patrol*; the writer says, "Contemporary opera sometimes seems unsure what stories to tell but one half of this Music Theatre Wales double-bill shows how it can be done. Huw Watkins's *In the Locked Room* has a simple but resonant plot... Apart from a few leaden lapses, David Harsent's libretto is compact and singable; Watkins responds with music that, if not quite managing to delineate character, certainly fills out the emotional textures. He skillfully varies the colours of his small orchestra, while his vocal writing comes across as suitably heightened speech. By contrast, Stuart MacRae's *Ghost Patrol* struggles, perhaps because Louise Welsh's libretto tries to say too much."

28. [Music Theatre Wales press release, March 13, 2013](#)

Ghost Patrol wins South Bank Sky Arts Award

Music Theatre Wales and Scottish Opera win the South Bank Show Sky Arts Award for the co-production of Scottish composer Stuart MacRae's opera *Ghost Patrol*. MacRae says, "It is an exciting time for new opera in the U.K., with so many companies and artists getting involved in renewing and developing this living, breathing, richly collaborative art; and it's a privilege to be able to play a small part in this, presenting new, contemporary work to the public with such wonderful colleagues. I am deeply grateful to the South Bank Sky Arts Awards for recognising *Ghost Patrol*, and for giving us encouragement to keep making work that engages with our contemporary world."

OPERA PARALLÈLE (formerly ENSEMBLE PARALLÈLE)

\$30,000 awarded in August 2012 for a contemporary-opera production, Osvaldo Golijov's *Ainadamar*, with libretto by American playwright David Henry Hwang, opening in February 2013 at Yerba Buena Center for the Arts in San Francisco

29. [Youtube.com, February 4, 2013](#)

Ainadamar in Rehearsal

Part 1 of Opera Parallèle rehearsal of *Ainadamar* [embedded video; YouTube link also provided]

30. [Youtube.com, February 9, 2013](#)

Ainadamar part 2

Part 2 of Opera Parallèle rehearsal of *Ainadamar* [embedded video; YouTube link also provided]

31. [San Francisco Classical Voice, February 16, 2013](#)

Riveting Reverie: Opera Parallèle's Ainadamar

Review of *Ainadamar*; the writer says, "Ten years after its first production, Golijov's dreamlike opera made its long-awaited Bay Area premiere over the weekend in a stunning new production by Opera Parallèle. With vibrant musical direction by Nicole Paiement, effective direction by Brian Staufenbiel, and an outstanding cast, Saturday's performance in the Lam Research Theater at Yerba Buena Center for the Arts brought history, tragedy, music, and memory together in a riveting 80-minute staging."

32. [San Francisco Chronicle, February 17, 2013](#)

'Ainadamar' review: Uncommonly vivacious

Review of *Ainadamar*; the writer says, "The remarkable thing about the latest offering from the ever-venturesome Opera Parallèle – a sumptuous and vividly sung production of Osvaldo Golijov's *Ainadamar* that had a three-performance run over the weekend at the Yerba Buena Center for the Arts – was how much it made of its ultra-thin source material. Sitting through Friday's opening performance was like

watching a virtuoso display of crepe-paper origami. Written in 2003 and subsequently revised for a 2005 premiere at the Santa Fe Opera, *Ainadamar* is a memorial paean to the Spanish poet and playwright Federico Garcia Lorca. It has a static, cliché-ridden Spanish-language libretto by David Henry Hwang and a rhythmically vibrant but predictable score that relies heavily on repetitions and bland filler merely to make it – gasping and panting with effort – to the 80-minute mark. Yet conductor Nicole Paiement and director Brian Staufenbiel took this flimsy concoction and – operating gently but with winning determination – breathed enough life into it to let the piece stand on its own feet. The result was not exactly gripping, but it was impressive in its way.”

33. [StarkInsider.com, February 18, 2013](#)

Continuing the work for a new generation: Opera Parallèle ‘Ainadamar’

5-out-of-5 star review of *Ainadamar*; the writer says, “Opera Parallèle’s *Ainadamar* is the most exciting opera to hit San Francisco in several years. This nuanced production operates on many levels, yet is easily embraced by folks who know little about opera or the Spanish Civil War. Like many of the offerings by Opera Parallèle, this striking work makes a resounding case for the vitality of contemporary opera. That something extraordinary is afoot is evident even before the curtain opens as singular ghostly figures, white dresses matching white pancake, wend their way through the lobby, coursing slowly throughout the theatre, pausing to sit briefly before picking up a white bloodstained suitcase and moving on.”

THE PLACE

\$49,000 awarded from the Columbia Foundation Fund of the London Community Foundation since 2010, including \$16,000 in August 2012 for the Richard Alston Dance Company production of *Buzzing Round The Hunnisucle*, a new commissioned dance work by Richard Alston

34. [The New York Times, December 14, 2012](#)

Breathtaking Feats of Footwork From a Master Choreographer

The Richard Alston Dance Company performs in the American premiere of *A Ceremony of Carols* at the Alexander Kasser Theater in Montclair, New Jersey. The writer says, “Even 30 years ago, it was evident that the modern-dance choreographer Richard Alston was the foremost European dance maker after Frederick Ashton. Others – Pina Bausch, Matthew Bourne, Kenneth MacMillan – might qualify as the foremost European makers of dance theater, but when it came to the core business of building steps and movement into dances, Mr. Alston has long been in the lead. In the ballet world too, the composition and phraseology of individual dances from this century’s best choreographers, Alexei Ratmansky and Christopher Wheeldon, do not equal Mr. Alston at his best. Mr. Alston – who, like George Balanchine and Mark Morris, reads music – has become one of the most musical of all choreographers.”

POETRY FLASH

\$15,000 awarded since 2004 for the *Northern California Book Awards*

35. [San Francisco Chronicle, October 3, 2012](#)

Poetry Flash receives Barbary Coast award

Litquake awards Poetry Flash the prestigious Barbary Coast award. Started by creative-writing students at San Francisco State University as a listing of readings in November 1972, it began holding its own readings, became (and remains) sponsor of the *Northern California Book Awards*, started the Watershed Environmental Poetry Festival, and developed into a very successful print and now online book-review publication. Through its many changes, the mission of Poetry Flash remains the same: to build community through literary activity. Joyce Jenkins, director of Poetry Flash, says, “You have to continually learn. You just have to keep learning and keep trying to find a way to make it work.”

ROYAL OPERA HOUSE

\$774,483 awarded since 1984, including a two-year \$136,616 grant in August 2010 for *Written on Skin*, a new opera commission by George Benjamin and Martin Crimp that takes as its starting point a short piece of 13th-century Provençal prose to be retold in a contemporary voice to explore themes including limits of power, female identity, and art in society

36. [The New York Times, October 16, 2012](#)

Stretching the Boundaries of Opera

Review of *Written on Skin*; the writer says, “Its title may suggest that *Written on Skin* contains sex and violence, as Mr. Benjamin and his librettist, the British playwright Martin Crimp, must have recognized. Sex and violence are indeed there, but the title (with skin standing for parchment) actually refers to how books were created in the Middle Ages. As with *Into the Little Hill*, for which Mr. Crimp also wrote the libretto, *Written on Skin* take pains to avoid the pitfalls of traditional narrative opera. Characters speak lines in their own right and also as narrators, often within the same sentence. The opera’s vocal lines are eminently singable, yet Mr. Benjamin’s approach also makes for an expressive palette that makes love-music possible.”

37. [The Guardian \(London\), March 10, 2013](#)

Written on Skin – review

5-out-of-5 star review of *Written on Skin*; the writer says, “Even the greatest opera composers tend to have a few early attempts that get swept under the carpet. George Benjamin, however, seems to have come to opera with his genius fully formed. *Written on Skin* is not his first music-theatre work – that was *Into the Little Hill*, a chamber piece from 2006 – but it is his debut full-scale opera, the fruit of an ambition stretching back more than 20 years, and as such it is nothing short of a triumph. As soon as it had finished, I wanted to hear it again.”

38. [The Telegraph \(London\), March 10, 2013](#)

Written On Skin, Royal Opera House, review

5-out-of-5 star review of *Written on Skin*; the writer says, “It’s not often that I’ve had cause to trumpet such a claim, but here is a new opera that is palpably a serious and important work of art, both exquisitely crafted and deeply resonant. *Written on Skin* plays without an interval as a ninety-minute triptych. Its composer George Benjamin and librettist Martin Crimp – the quality and intensity of their collaboration requires equal creative billing – intend an allegory of some sort, but it is an opaquely inscrutable one that does not easily yield specific meaning. Benjamin’s conducting of his own music was literally authoritative, and the orchestral playing was ravishing. After a long run of mediocrity at the Royal Opera, what joy to encounter something as enthralling and enchanting as this.”

39. [The New Yorker, March 25, 2013](#)

Illuminated

Review of *Written on Skin*; New Yorker music critic Alex Ross says, “The raw musical talent of the British composer George Benjamin has never been in doubt. In 1976, when he was sixteen, he went to Paris to study with the august Olivier Messiaen, who compared him to Mozart. By the age of twenty, he was receiving ovations at the Proms, in London’s Royal Albert Hall. Such early acclaim might have bred arrogance in some artists, but in the case of Benjamin, a congenial and unassuming man, it seemed to have the opposite effect, engendering caution. Between the ages of twenty and fifty, he worked with conspicuous slowness, often spending years on a fifteen- or twenty-minute piece. The adjectives ‘exquisite,’ ‘fastidious,’ and ‘immaculate’ followed him around in the press, leaving the impression that he was a miniaturist, a creator of musical jewel boxes, rather than the kind of composer who could shake you to the core. Benjamin’s first large-scale opera, *Written on Skin*, which had its premiere last summer, at the Aix-en-Provence Festival, and is now playing at the Royal Opera House, in Covent Garden, demolishes that image. The craftsmanship remains: more than a few pages of *Written on Skin* are as

immaculate as anything that Benjamin has written, or, for that matter, anything composed since the heyday of Ravel. The score is magnificently free of clichés and longueurs. Orchestration teachers will add it to the curriculum, and students will marvel at the mind that could blend oboes, muted trumpets, pizzicato strings, and bongos into one scuttling, insectoid instrument. Yet the opera smolders with darker, wilder energies. Benjamin has found a way of painting on a large canvas, indulging in grand gestures while maintaining his fabled control of detail. He has also pulled off a tremendous feat of stylistic integration, fusing the legacy of twentieth-century modernism with glimpses of a twenty-first-century tonality. Even the composer's most committed admirers are a little shocked: *Written on Skin* feels like the work of a genius unleashed. The libretto is by the playwright Martin Crimp, with whom Benjamin collaborated on his only previous attempt at music theatre, the 2006 chamber opera *Into the Little Hill*.” [Columbia Foundation also supported the performance of George Benjamin's *Into the Little Hill* through a \$40,000 grant recommendation to The Opera Group from the Columbia Foundation Fund of the London Community Foundation.]

SAN FRANCISCO INTERNATIONAL ARTS FESTIVAL

\$20,000 awarded in July 2011 to support the development of two international collaborative performance projects for the 2012 festival: *Thieves*, a collaboration of Leyya Tawil of Dance Elixir with artists from Iraq/The Netherlands; and *Placas*, a collaboration of Paul Flores with artists from Los Angeles and El Salvador

40. [Youtube.com by Poor News Network, August 16, 2012](#)

PNN-TV: PLACAS- The Most Dangerous Tattoo- A new theatre production

Mayan Skola from Poor News Network speaks with *Placas* playwright Paul Flores about the concept of his new play. [This is an embedded video; a YouTube link is also provided.]

41. [San Francisco Chronicle, September 2, 2012](#)

'Placas': Overcoming gangs' imprints

Placas, a new play by Paul Flores based on several years of research and interviews with gang members in the Bay Area, Los Angeles and El Salvador, is about war, gangs, immigration and tattoos that are supposed to mark you for life. Flores says, “It’s a tragic and painful story. But if we can convey the message that there is love in this experience, I think that would shock people.” Flores worked closely with director Michael John Garcés to shape the script, and based one of his characters in part on Alex Sanchez, a former gang member and founder of Homies Unidos, a nonprofit gang-violence prevention and intervention organization. Andrew Wood, executive director of the San Francisco International Arts Festival, and one of the producers of *Placas*, knows how difficult it is promoting a new play about a family with deep gang-world connections. Wood says, “If you read the newspapers and believe what they’re saying, why would you want to give these people the time of day? It’s dealing with the devil. But I would tell you this play is more than entertainment. It’s a political piece, a morality tale. It’s about a family and about redemption.”

42. [San Francisco Bay Guardian, September 4, 2012](#)

More than ink

The idea for a play about gangs came from Ana Pérez, executive director of the Central American Resource Center (CARECEN), an organization dedicated to immigrant rights in the Bay Area. From the beginning, *Placas* was rooted in the concerns of the Latino community (particularly the Salvadoran population) in the Mission district of San Francisco, as well as larger socio-economic and political realities. Pérez took the idea to Andrew Wood, executive director of the San Francisco International Arts Festival, who decided to produce it along with Mission Cultural Center for Latino Arts. They recruited Paul Flores to write it. Flores is as a community and youth-violence-prevention activist as well a writer-poet known for his work as co-founder of Youth Speaks. His artistic work specifically links youth culture and political theater. Nevertheless, Flores had no idea what he was getting into. He says, “I never

thought I'd get in this deep, to being in El Salvador in a prison talking to MS members and getting their permission to interview them. That was very cool. Then realizing what was at stake. Having to meet in secret with these guys, having to pay them to interview them – people's lives were at stake. They didn't tell me about their crimes. They were going to tell me about what makes them hurt and what makes them feel love. And that's what I was looking for."

43. [The San Francisco Examiner, September 5, 2012](#)

'Placas' delves deep into gang life

Placas, by Paul Flores, is co-presented by the San Francisco International Arts Festival, the Central American Resource Center and Mission Cultural Center for Latino Arts, and is directed by Michael John Garcés, artistic director of Los Angeles' innovative Cornerstone Theater Company. Ric Salinas plays the character Fausto, who is newly released from prison and returns to San Francisco to start afresh, symbolized by having his gang-affiliated tattoos (or placas) removed. When he returns home, he finds that his now teenage son has joined a rival gang and rejects him. The story escalates amid street violence as Fausto tries to save his son's life. The role was attractive to Salinas, as he was born in El Salvador, grew up in the Mission district, and has himself been the victim of street violence. In 1989, he ran to help a kid being beaten up outside his house and was shot. He was comatose for three days. Salinas says, "Paul told me some of the scenes [are about that type of street violence], and I said I can handle it. This play reveals a little bit of why gangs were formed here, by people leaving war-torn El Salvador and confronted by Chicano and Mexican gangs here. These kids, who came from war, formed their own powerful gangs here." Flores says, "Characters all have destinies. Where you come from determines where you're going. When you look at where these characters come from, where they're going is somewhat tragic. In the end we're left with a 16-year-old boy who has to make a decision: Am I going to go my father's route, or do something different?"

SAN FRANCISCO JAZZ ORGANIZATION (SFJAZZ)

\$75,000 awarded in July 2011 for the new SFJAZZ Center, the organization's first permanent home in its 28-year history

44. [San Francisco Chronicle, January 19, 2013](#)

Randall Kline beats drum for SFJazz Center

Randall Kline, founding executive artistic director of SFJazz, spent years working with San Francisco architect Mark Cavagnero to create a performance space that could somehow combine "the intimacy and energy of a jazz club with the acoustics of a great concert hall. He wanted to set the performance space in a welcoming contemporary building that expressed the 'openness' of jazz." The building is a mostly transparent structure that connects the center to the street in the Hayes Valley neighborhood of San Francisco. Kline says, "It's unbelievable. It just sounds so beautiful." SFJazz has grown over the past 30 years from a two-day festival into a major year-round arts organization that presents and commissions a wide spectrum of jazz, Latin, and other global music.

45. [San Francisco Chronicle, January 22, 2013](#)

SFJazz Center opens with a joyful noise

The ribbon-cutting for the new \$64-million SFJAZZ Center took place on January 21, 2013. The SFJazz Center is the country's first stand-alone jazz concert hall. A raucous New Orleans-style street parade was held to inaugurate the opening. The writer says, "The long and low building, three stories of sleek glass wrapping onto Franklin Street, proved a perfect sound baffle for the San Francisco Bourbon Kings as they snaked along the closed-off street, wailing away at *When the Saints Go Marching In* to hundreds waiting to go marching in and inspect the new \$64 million facility." [Attached are pictures of the parade.]

46. [NPR Music, January 22, 2013](#)

The New SFJAZZ Center, As Seen By Its Musicians

Pianist Rebeca Mauleón and percussionist John Santos played together in Orquesta Batachanga at the very first Jazz In The City festival in 1983. The two artists are now on staff at SFJAZZ. Mauleón is the Director of Education, while Santos is one of five Resident Artistic Directors. The two reflect on their time with the organization, and what it's meant to the San Francisco scene. Mauleón says, "There is no greater responsibility for any cultural organization than to ensure that the art form we so ardently promote will live on in the next generation. The work we do to develop the future music-makers and educators will, we hope, have a lasting impact on how the arts are embraced in our society." Santos says that the new SFJAZZ Center "gives a much deserved and often neglected boost in respect and dignity to our national art form, and calls attention to the fact that jazz has evolved and must continue to evolve by honoring [its] roots while acknowledging the international influence of and on jazz. SFJAZZ has always been in the forefront of that movement. It makes perfect sense to have the Center here in arguably the most progressive (not to mention most beautiful) community in the world with our well-documented long history of musical and cultural innovation. I look forward to presenting, performing and attending many a show there forever, and having my family know the Center as an often-visited community space."

47. [NPR Music, January 23, 2013](#)

SFJAZZ Center Opening Night: Live In Concert

Selections from the SFJAZZ Center opening night concert [linked audio: live recording of the concert]

48. [San Francisco Chronicle, January 23, 2013](#)

SFJazz Center – new Cavagnero landmark

Mark Cavagnero, a graduate of Harvard and UC Berkeley is the architect of the new SFJAZZ Center. He has led a dozen projects of this sort in the Bay Area since 1988, however the new center is the most visible. The three-story building contains a 700-seat auditorium as well as a cafe and small theater along the sidewalk. The writer says, "The tall ground floor is see-through glass; above it, extending four feet over the sidewalk, alternating bands of clear and translucent glass sit within a lean concrete shell. The two floors within the shell are different heights, and the glass bands don't line up from one floor to the next. The off-center syncopation helps draw your eye to the building, even though it is shorter than both its neighbors." In designing the main auditorium, Cavagnero looked for cues in Boston's Old South Meeting Hall as well as Unitarian churches designed by Frank Lloyd Wright and Louis Kahn. The writer says that the auditorium is "a steep, monochromatic world unto itself. The concrete floors were sanded once, then again, then coated with a clear seal. The walls and ceiling are covered by thin slats of oak stained a soft gray-green. The seating extends all the way around the stage, darker than the floors but lighter than the ceiling and walls, the various sections folding against each other in such a way that there's no clear differentiation between the center and the sides." Cavagnero says, "I didn't want anything axial, where you feel like you should be in the middle." For the ceiling of the auditorium Cavagnero says he sought "a perfect volume that leads your eye back to the stage and the music, instead of up to the ceiling." [Attached are pictures of the building, including the auditorium, and some of the other buildings he has designed.]

49. [Los Angeles Times, January 24, 2013](#)

Review: SFJAZZ Center makes a splash on opening night

The opening-night concert on January 23, 2013, featured Chick Corea, Jason Moran, Esperanza Spalding, McCoy Tyner and Bobby Hutcherson, and hosted by Bill Cosby. The writer says, "Seeing the center's completed design in action was something to behold as well. The floor-to-ceiling glass on the first floor blends the room with bustling Franklin Street outside so seamlessly that it's almost disorienting, yet the room never feels crowded by the city, apart from the occasional passing siren. Outside, black-and-white photos of legends such as Art Blakey and Miles Davis peer into the building from windows across the street. Inside, long steel rods anchor the staircase to the performance space above and golden flowers

poke from of the ceiling, giving the room a lush, naturalistic flourish amid its modern mix of glass, metal and brushed concrete.” At the start of the show, SFJAZZ founder and Executive Director Randall Kline, said, “What tonight is about is the music and our community. We did this thing. It’s about you making something happen.”

50. [The New York Times, January 24, 2013](#)

SFJazz Center Opens in California

The 700-seat Robert N. Miner Auditorium of the new SFJazz Center was filled to capacity for the opening-night concert. The concert was also broadcast on radio by WBGO, by WWOZ, and online by NPR Music, to be heard by a worldwide audience of jazz enthusiasts. The writer says, “The Miner auditorium, a steeply raked cube of a hall, offers a lot of promise: its sound is clear and warm from almost any vantage, and its seating plan gives an impression of intimacy even from the balcony. The architect was Mark Cavagnero, and the acoustician was Sam Berkow; both are justifiably proud of their work here. This long-awaited enterprise is off to a bang-up start.”

SPITALFIELDS FESTIVAL

\$67,949 awarded since 2010, including \$30,000 for *Monteverdi Reimagined* in August 2012, and \$37,949 in August 2010 to commission Alec Roth to write a new dramatic piece from four previously underperformed monologues by Samuel Becket called *Old Earth*

51. [The Telegraph \(London\), June 19, 2012](#)

Old Earth, Spitalfields Festival, Village Underground, review

4-out-of-5 star review of *Old Earth*; the writer says, “The Spitalfields Festival’s imaginative policy of staging performances in unusual venues finds the audience for *Old Earth* filing into a cavernous former warehouse, now a “creative and cultural space. The world premiere of *Old Earth*, given by theatre company Jericho and the singers of Harry Christopher’s ensemble, The Sixteen, brings together four short prose texts by Samuel Beckett with specially commissioned music by the composer Alec Roth. The looping, incantatory cadences of the four monologues, dolefully performed by Alan Howard, costumed in the standard garb of one of Beckett’s hapless old corpses-in-waiting – stained overcoat, disgraceful trousers, bad hat – are punctuated and mirrored by the intricately patterned harmonies of Alec Roth’s wordless vocalizations for the unaccompanied choir, who perform in the drab garments of transients. *Old Earth* is a haunting meditation on the human struggle to articulate the ineffable.”

TENDERLOIN ECONOMIC DEVELOPMENT PROJECT

\$50,000 awarded in July 2011 for planning and organizing for the development of the *Mid-Market Arts District* to revitalize and transform this central area of San Francisco

52. [San Francisco Business Times, November 9, 2012](#)

Mid-Market arts district: Curtains?

Proponents of a plan to turn one of the remaining rundown blocks of Mid-Market Street into a mixed-use development with art, theaters, housing and retail say the project has stalled because a key property owner backed out of negotiations. The proponents, composed of a group of nonprofits including the North of Market Neighborhood Improvement Corporation [parent of Tenderloin Economic Development Project] and the American Conservatory Theater, as well as the developer Equity Community Builders, have offered \$8 million in negotiations to acquire three parcels on Market Street (to add to those already secured), with plans to bankroll an arts and education center by making the project part of a larger mixed-use development with about 120 housing units and retail. The facility would feature new performing-arts space, a conservatory, retail and restaurants, and new housing on the block surrounded by Market, Turk and Taylor Streets. The property owner, Loan Star Fund, a Dallas-based hedge fund that acquired the parcels as part of a portfolio of troubled loans, has broken off negotiations, according to Elvin Padilla of the North of Market Neighborhood Improvement Corporation. Padilla says Loan Star has been “less than

transparent and frustratingly inconsistent” in the “negotiations for the acquisition of the properties for the 950 Center for Art & Education project.” He is asking Tenderloin and Mid-Market stakeholders to write letters to Loan Star urging them to pledge that the 950 Center concept will be part of any redevelopment there.

53. [San Francisco Chronicle, March 9, 2013](#)

Mid-Market arts center at risk amid boom

The increase in high-priced development Mid-Market corridor of San Francisco may be of benefit to the city, but the rising prices that growth has fueled is a threat to the local arts community. Carmela Gold, president of the Tenderloin Economic Development Project, which put together the proposed arts project at 950 Market Street, says, “Theater groups are getting priced out of the city, even as people are coming to the city for the arts. If you talk to anyone in the arts, even an organization as big as (the American Conservatory Theater), they’ll say they’re going to be priced out of the city in five years.” The 950 Center for Art and Education would include four small theaters, rehearsal space, meeting rooms, and public areas to be shared by several performing-arts groups, along with office space. American Conservatory Theater, which is converting the nearby Strand Theater into another performing space, would also use the new center for administrative and education efforts. However, this years-long effort to build this performing arts and education center at the intersection of Market, Turk and Mason streets is under threat. The Lone Star Fund of Dallas, which owns three Market Street parcels earmarked for the arts center, has turned down an offer by the project’s backers and has chosen to put the properties up for bid. City officials, however, continue to see the arts as a major part of Mid-Market’s revival. On January 30, 2013, the mayor and Supervisor Jane Kim sat down with the arts center’s sponsors and potential bidders for the Lone Star property and made it clear the city would work with developers to get the deal done. Kim says, “We’re excited about the economic growth we’re seeing, but the concept also was to recognize the existing community that had always been there ... and continue to protect services and the arts who were the area’s original tenants.”

Human Rights

CENTRO DE LOS DERECHOS DEL MIGRANTE (CDM)

\$50,000 awarded in March 2009 for this transnational center’s work in indigenous areas of Oaxaca and Guerrero Mexico to educate and protect the rights of migrant labor coming to California to work. The Center uses education, community organizing, and legal representation in its work with communities of migrant laborers, in order to protect their rights (as laborers in the U.S.) and to provide legal recourse for those whose rights have been violated by U.S. employers.

54. [Voice of America, December 27, 2012](#)

Aid Workers Demand Greater Access to US Migrant Workers

Attorney Nathaniel Norton and attorney’s assistant Nora Rivero work for Maryland Legal Aid in Baltimore. They visit migrant crop-pickers housed in farm-labor camps and educate them about their rights. Norton and Rivero say farm owners consistently intimidate them to prevent them from doing their outreach work to migrant workers. In fact, one farmer threatened Rivero with a baseball bat, and another threatened to shoot Norton. Across the country, outreach workers assisting migrant farmworkers have similar stories of intimidation, saying that the practice is designed to keep them away from the poor farmworkers they hope to help, as the growers do not want their farmworkers to know if their statutory rights have been violated. Centro de los Derechos del Migrante (CDM) said in a news release that it had been invited to a public event about employee and employer rights by the government of Mexico, a co-sponsor of the event, but a representative from another co-sponsor, the Chesapeake Bay Seafood Industries Association, told the CDM advocate “she was not allowed to attend the event and directed her

not to speak to any of the workers.” CDM called the episode “another example of the way that [agricultural] employers try to isolate workers” and to “limit workers’ contact to other community members and their advocates.” A coalition of 28 rights groups, including CDM, Maryland Legal Aid, the Southern Poverty Law Center, and AFL-CIO, submitted [a complaint](#) to the United Nations on December 13, 2012, arguing that the lack of meaningful access to migrant labor camps “stymies” farmworkers’ access to justice and, as a result, “violates international human-rights law.” [Links to the complaint are in the article and this summary (above).]

55. [\(The\) HuffingtonPost.com, January 17, 2013](#)

As Immigration Reform Heats Up, Changes Proposed For Troubled Guest Worker Programs

With immigration policy now a top priority of the Obama administration, advocates for comprehensive reform are urging lawmakers to revamp the country’s foreign guest-worker programs, a system that critics say is equally dysfunctional and leads to abuse. According to the article, more than 100,000 foreign workers currently come to the U.S. to work seasonal jobs each year, many of them in low-wage, physically demanding jobs, like farm work, seafood processing, and hotel housekeeping. Often traveling from Latin America, the workers fill positions that U.S. businesses say they have a hard time filling with local labor. Allegations of abuse, however, have become common, with foreign workers paying exorbitant recruitment fees at home and often being shorted on their pay in the U.S. According to Rachel Micah-Jones, director of the migrant-worker advocacy group Centro De Los Derechos Del Migrante (CDM), one of the larger problems is a lack of enforcement and transparency. On January 17, 2013, CDM released a report on the State Department’s H-2 visa programs called [Recruitment Revealed](#). Nearly 60 percent of the workers surveyed said they paid illegal recruiting fees for their jobs, and nearly half said they had to take out a loan to cover travel and other expenses so they could work. Micah-Jones says, “Temporary workers are important participants in the U.S. economy and deserve to be treated with dignity.” The report recommends that Congress overhaul the visa programs to hold U.S. employers liable for recruiting fees that workers pay, to extend legal aid to such workers, and to create a public register of recruiters to increase transparency. CDM also unveiled [a comprehensive web tool](#) that maps out H-2 employers in the U.S. and their recruiters abroad by drawing on public visa records. The tool is meant to help workers share information on working conditions as well as recruitment practices, and tracks allegations of fraud, predatory lending, substandard housing, and the blacklisting of workers. [Links to CDM’s report and web tool are in the article and this summary (above).]

OUR CHILDREN’S TRUST

A two-year \$200,000 grant awarded in January 2011 to develop and file lawsuits, called *Atmospheric Trust Litigation (ATL)*, in states throughout the U.S. and other countries as part of a coordinated legal challenge to governments regarding their duty to preserve the health and safety of the atmosphere as an essential part of the “commons” (air, oceans, forests, et. al.) and the rights of future generations

56. [On the Commons, July 26, 2012](#)

Texas Judge Rules 'The Sky Belongs To Everyone'

In 2001, Peter Barnes, co-founder of Working Assets (now CREDO), proposed that the atmosphere be treated as a public trust in his book Who Owns the Sky: Our Common Assets and the Future of Capitalism. In 2007, University of Oregon Professor Mary Wood elaborated further in a law-review article on the idea of a “Nature’s Trust.” Barnes says that Wood and executive director of Our Children’s Trust Julia Olson “had the vision to organize a coordinated international campaign of attorneys, youth, and media around the idea that the climate crisis could be addressed as a whole system.” Our Children’s Trust, Kids Versus Global Warming and others began filing suits around the country, arguing the atmosphere is a public trust. In Texas, after a petition to the Texas Commission on Environmental Quality (TCEQ) to introduce measures to reduce greenhouse gases was dismissed, the Texas Environmental Law Center sued on behalf of a group of children and young adults. The Center asserted the State of Texas had a fiduciary duty to reduce emissions as the common-law trustee of a public trust

responsible for the air and atmosphere. Judge Gisela Triana, of the Travis County District Court, agreed. Her letter decision, issued on July 12, 2012, stated, “[t]he doctrine includes all natural resources of the State.” Triana went further arguing that the public-trust doctrine “is not simply a common-law doctrine” but is incorporated into the Texas Constitution, which (1) protects “the conservation and development of all the resources of the State,” (2) declares conservation of those resources “public rights and duties,” and (3) directs the Legislature to pass appropriate laws to protect these resources. However, noting that a number of climate-change cases were wending their way up the judicial ladder, Judge Triana upheld the TCEQ decision not to exercise its authority. But just a few days after Judge Triana’s ruling, Judge Sarah Singleton of the New Mexico District Court denied the state’s motion to dismiss a similar case, and it will now move forward there. The Texas court is the first to support the possibility that the public-trust doctrine may justify the creation of an atmospheric trust. One Houston law firm advised its clients that the decision “may represent a ‘shot heard ‘round the world’ in climate change litigation... Given the stakes involved in such cases, clients should monitor these suits carefully – and perhaps participate as amicus curiae to support the state’s attorneys’ arguments.”

57. [The Register-Guard \(Oregon\), August 13, 2012](#)

Climate lawsuit appealed

Two young Eugene residents, Olivia Chernaik and Kelsey Juliana, are appealing a local judge’s April dismissal of their lawsuit, alleging that the state of Oregon is violating the public trust by failing to take adequate steps to prevent climate change. They have also filed a motion asking the Oregon Court of Appeals to send the case directly to the Oregon Supreme Court. According to Julia Olson, executive director of Our Children’s Trust, a Eugene-based nonprofit group that has helped organize the legal challenges, they seek to compel state officials to create and carry out “a viable plan for reducing carbon dioxide emissions.” The suit is one of almost 50 similar efforts nationwide.

58. [Northwest Public Radio, October 10, 2012](#)

Teen Climate Lawsuit Goes To Oregon Court Of Appeals

The Oregon Court of Appeals decides to hear the climate-change lawsuit brought by Eugene teenagers Olivia Chernaik and Kelsey Juliana. [This is an embedded radio report; a link to the report on the NWPR website is also provided.]

59. [Albuquerque Journal, August 23, 2012](#)

Environmental Lawsuit Is About Protecting Our Future

In response to an Albuquerque Journal board editorial, Akilah Sanders-Reed, youth plaintiff in a lawsuit filed against the State of New Mexico, writes a letter to the editor. Sanders Reed says, “The intent of the lawsuit is to compel the legislative and executive branches to do their jobs and protect my generation’s right to a future, which necessitates a healthy climate. Although climate change has become a polarized stalemate issue in Congress, revolving around semi-related economic figures and political agendas, the climate crisis isn’t about economics, or politics or convenience – it’s about my generation’s right to a future. Judge Sarah Singleton made the courageous decision to let my case continue. The case is now proceeding to address the issue of whether the state agency charged with protecting the atmosphere has met its public-trust obligation. Under the public-trust doctrine, the judicial branch serves as a check on the action, or inaction, of the legislative and executive branches when it comes to protection of public-trust resources such as the atmosphere. By allowing my case to go forward, Singleton was simply doing her job. If the editorial board had bothered to read my amended complaint, it would have seen that I am simply asking the court to compel the state to assess the damage to the atmosphere from current greenhouse gas levels in New Mexico and to produce a plan for reversing that damage and mitigating the effects of climate change. The board’s list of extreme scenarios is exactly the type of rhetoric that “distracts from the real discussion” of solutions to the climate crisis.” [The lawsuit is part of the *Atmospheric Trust Litigation* effort, coordinated and supported by Our Children’s Trust, grounded in public-trust doctrine, which states that it is the duty of the government to protect the resources that are

essential for our collective survival and prosperity. The letter links to the Albuquerque Journal board editorial.]

60. [Planetsave.com, October 21, 2012](#)

Kansas Teen Files Climate Change Lawsuit

On October 18, 2012, 14-year-old Samantha Farb filed suit against Kansas under the public-trust doctrine. Her stated goal in the litigation is to prevent further increases in CO2 emissions in Kansas, and to compel the State to reduce CO2 emissions to levels consistent with what “current scientific analysis deems necessary to protect the lives and property of its citizens – including future generations.” Samantha’s lawsuit is the newest *Atmospheric Trust Litigation (ATL)* case to be filed in the U.S. The ATL cases are supported by the TRUST Campaign. [The lawsuit is part of the *Atmospheric Trust Litigation* effort, which, along with the TRUST Campaign, is coordinated and supported by Our Children’s Trust. The organization is listed as a primary contact for more information at the end of the article.]

61. [The Christian Science Monitor, November 6, 2012](#)

Hurricane Sandy blows climate change back on the table

The devastation caused by super storm Sandy, particularly in New York and New Jersey, has put climate change front and center. Scientists link climate change to increasingly volatile and extreme weather, exemplified by Hurricane Sandy. The writer says, “It’s unacceptable that it took a disaster like Sandy to finally bring climate change back into the conversation. Today is election day in the United States, but climate change should have been on the campaign agenda months ago. In fact, it should always be on the agenda. The evidence shouldn’t be disputed any longer. Climate change is real, and its effects are being seen in real time.” The international nonprofit WITNESS has partnered with other groups [led by Our Children’s Trust] on its TRUST Campaign, using video storytelling to highlight the effects of climate change in the lives of American youth. [The video campaign is the media component of *Atmospheric Trust Litigation* efforts.]

Prevention of child sexual abuse

KELLY + YAMAMOTO PRODUCTIONS

\$210,000 awarded since 2010 for *TRUST: Second Acts in Young Lives*, a documentary by Nancy Kelly and Kenji Yamamoto, including \$50,000 in December 2012 for the *TRUST CSA Project* to end the taboo about discussing child sexual abuse by expanding the use of the film

62. [Blip.tv by Bay Area Video Coalition, December 4, 2012](#)

BAVC MediaMaker Fellowship 2012: Nancy Kelly

MediaMaker fellow Nancy Kelly discusses her project *TRUST: Second Acts in Young Lives*. [This is an embedded video; a Blip link is also provided.]

Public financing of campaigns

MAPLIGHT

\$230,000 awarded since 2008, including \$40,000 in February 2012 to track campaign donations and the subsequent votes by elected officials on issues of interest to campaign donors, and publish it on their website

63. [CBS San Francisco Bay Area, October 19, 2012](#)

Web Widget Exposes Who’s Really Paying For Political Campaigns

MapLight and Wired have developed an online widget, called the Influence Tracker app that shows where political candidates get their money. MapLight president Dan Newman says, “You’ll see a silhouette of your politician along with the logos of some of their top campaign contributors. Like NASCAR, we put

the logos on the suits of the politicians so you can see who's sponsoring them. This provides actual data about the money that fuels their campaigns and the interest groups behind them. And the purpose of this widget is to show the river of money that underlies all of politics and is influencing what politicians do." [This report contains an embedded radio report featuring Dan Newman. The report also links to the MapLight website, where you can download the widget.]

64. [The Sacramento Bee, October 24, 2012](#)

See the big money behind every California ballot proposition

According to data from the California Secretary of State, campaigns backing state ballot propositions have raised contributions in excess of \$250 million [as of October 24, 2012]. A chart, using data from MapLight, shows the largest single donor for and against each proposition. [Follow the links to learn more about particular propositions or donors. Click on the "MapLight" link to see the aggregate contributions raised for and against each proposition, and the success or failure of each proposition on the November 2012 California ballot.]

65. [Reuters, October 29, 2012](#)

California ballot measures draw free-spending billionaires

According to MapLight, a few individual donors and business groups have spent more than \$350 million on 11 California ballot initiatives ahead of the November 6, 2012, election, including \$43 million [as of October 29, 2012] by big food and agriculture interests to defeat a proposition that would require labeling of genetically modified foods [Prop 37]. This underscores the extent to which the California's system of "direct democracy" has changed into a big-money battleground.

66. [The Guardian \(London\), November 5, 2012](#)

Prop 37: food companies spend \$45m to defeat California GM label bill

According to MapLight, an organization that tracks the influence of money in politics, Monsanto, other agribusinesses, and food companies have spent more than \$45 million to defeat Prop 37, the California ballot measure requiring labeling of GMO food. Dan Newman, president of MapLight, says, "I think it's a David and Goliath story with the companies that manufacture or benefit from genetically engineered food being the Goliath." [Prop 37 was defeated on the November 2012 ballot. The article links to the MapLight website, which lists the top 10 ten contributors (for and against Prop 37) and the dollar amounts donated (by contributor and in total). Those supporting Prop 37 were outspent 5 to 1.]

67. [San Jose Mercury News, November 7, 2012](#)

Break the grip of wealthy interests controlling California's ballot measure system

Dan Newman writes, "California voters gained the power to place measures on the ballot a century ago to break the grip of wealthy interests controlling government. Initially, the requirement to gather large number of petition signatures ensured that only measures with broad popular support would make it to the ballot. Now paid signature gatherers qualify any measure, for a price. It's largely wealthy companies and rich individuals who wrote the 11 state measures Californians voted on Tuesday. Do you have \$1 million to spare? No? Then your money didn't matter much in the ballot measure campaigns. There were just 47 funders who spent \$1 million or more on the campaigns, but their funds made up a whopping 80 percent of all funds raised. Three common-sense changes to California's ballot measure system would make citizens' voices count more and big bank accounts count less. First, television ads should display the top three funders on the lower third of the screen, in plain white type on a black background, for the entire length of the ad. All other political advertising should prominently display the top three funders of the ad as well. The ads should show the original source of the funds, not innocuously named front groups for money laundering. Second, we should not allow paid signature gatherers to be paid by the signature, and petitions should prominently display whether they are being circulated for pay or by volunteers. These changes would keep voters informed about the moneyed influence behind a potential measure, and make it harder for wealthy interest groups to qualify ballot measures that lack genuine public support.

Third, the five-month window to gather signatures is simply too short to qualify ballot measures using all volunteers. Increasing this window to one year would make it possible for ballot measures with broad popular support to qualify for the ballot using all-volunteer signature campaigns. This change would open up a window for citizen ballot measures – measures backed by popular support, popular concern or popular desire to see change in our state. With these three changes, big checkbooks would still speak loudly on the ballot but the collective voices of citizens would be speaking as well.” [This op-ed is written by Dan Newman, president of MapLight.]

68. [Youtube.com by MapLight, December 14, 2012](#)

Shining Light on 2012

Highlights of MapLight’s work during 2012 [embedded video; YouTube link also provided]

69. [Stanford Social Innovation Review, Winter 2013](#)

Follow the Money

MapLight is a nonprofit that aggregates data to determine the influence of money in politics and publishes its findings online, aiming to make government more accountable. President Dan Newman says, “We’ve seen leaps and bounds of improvement in finding products online, and in purchasing products online with one click, but there hasn’t been the same financial investment in technology to hold government accountable. There are maybe thousands of tech startups that each have as much resources as the entire government accountability field. Yet the field is doing tremendous work with those limited resources.” MapLight has become an important and popular source of political information in the U.S., “fusing multiple data streams about campaign and other contributions into analyses that once would have taken hours or days to assemble.” Its reports reach millions of people through news media, and thousands use the organization’s online tools to conduct their own research. All of this is accomplished with a staff of just 12 employees on a relatively small budget. Newman continues, “We’re in a new Internet era for nonprofit groups. In the last three weeks, with the California primary, we were we were cited in The Wall Street Journal and The New York Times. Twenty years ago, a 12-person group couldn’t have had that type of reach.”

70. [San Francisco Chronicle, January 11, 2013](#)

Wealthy who avoided the 'fiscal cliff'

According to the article, when President Obama announced the “fiscal cliff” compromise in January 2013, he said that upper-income Americans would pay their fair share. The compromise included an increase in the tax rate for the upper-income bracket, but did not include a change in the tax code with regard to carried interest (though Obama says he still supports this change). “Carried interest” refers to the 20% bonus in compensation that money managers at privately held partnerships typically receive on the profits they make. Under current law, fund managers can have the bonus income taxed at the 20% capital-gains rate, rather than the 39.6% personal income-tax rate. Thus, some of the wealthiest Americans – such as private-equity managers, hedge-fund managers, and venture capitalists – will continue to enjoy the provisions of this “legal, but controversial, part of the tax code that allows them to avoid pay billions in taxes.” An analysis was performed for the San Francisco Chronicle by MapLight based on data from the Federal Election Commission. According to MapLight, part of the reason this provision was not changed is due to the financial power yielded by the sector. In the Bay Area alone, employees of big-money firms donated \$6.7 million to federal candidates and political committees during the 2012 election cycle. MapLight president Dan Newman says, “It is a clear example of how political contributions have a high return on investment. Millions in political contributions brought billions of tax breaks for some of the wealthiest people in America.”

71. [Contra Costa Times, January 26, 2013](#)

California can shine a light on national 'dark money' in campaigns

Dan Newman writes, “The disastrous Citizens United Supreme Court decision three years ago unleashed a flood of political money unprecedented in U.S. history. Organizations can now raise and spend unlimited amounts of money to influence elections, without disclosing where that money came from. These ‘dark money’ groups spent hundreds of millions of dollars nationally to influence November’s elections. In California, this dark money poured into campaigns for California’s congressional representatives, and for state ballot measures. Most notably, a group called Americans for Responsible Leadership spent \$11 million to influence Propositions 30 and 32 – without disclosing its donors. Citizens United also freed corporations to spend unlimited amounts to influence elections. The public doesn’t know the extent of corporate spending on elections, because the law currently allows corporations to keep their spending secret. Consumer-facing corporations, sensitive to public perceptions of political influence, are able to hide their political spending by financing trade associations, like the U.S. Chamber of Commerce, that do not have to disclose their donors. And we certainly can’t rely on corporations to voluntarily self-disclose. Congress will not be acting to reveal this secret money anytime soon. Republicans in Congress will continue to block the DISCLOSE Act and similar sunshine attempts, because the dark money overwhelmingly benefits them. In November’s elections, 85 percent of dark money supported Republicans, according to research from the nonpartisan Citizens for Responsibility and Ethics in Washington. In California, we can ourselves take major steps that will unmask some of this secret money nationally, leveraging our position as the nation’s most populous and most influential state. These three California proposals, if implemented at the state level, would reveal dark money across the nation: First, the state could make use of its tremendous purchasing power to require that companies contracting with the state disclose all their political contributions – national, state, and local. Second, California could require that all companies doing business in the state disclose all their political contributions – national, state, and local. Third, California could require disclosure of every entity making major contributions to the type of ‘pass-through’ dark money groups implicated in the \$11 million political money-laundering case. The California public is disgusted with our broken system of money-dominated politics. Any or all of these three changes made by Sacramento lawmakers would shine a bright light on dark money nationally, while endearing their legislative champions to the California public.” [This op-ed is written by Dan Newman, president of MapLight.]

72. [New York Daily News, February 4, 2013](#)

NRA spent \$15 million to oust President Obama from office in 2012, and donated overwhelmingly to Republican candidates

An analysis of data from the Federal Election Commission reveals that the National Rifle Association (NRA) and its political-action committee spent \$15 million to prevent Obama’s re-election in 2012, the most the group spent either for, or against, any single candidate. MapLight, a California-based nonpartisan research organization that tracks money in politics, reviewed campaign spending by the NRA and found that in addition to the money the group spent to pay for negative ads targeting Obama, the group also donated \$3.4 million to promote Mitt Romney’s candidacy. [The article links to MapLight’s review, which includes the top recipients in the Senate House, the contributions the legislators received, and their votes in Congress. The article also includes two graphs from the Center for Responsive Politics illuminating the disparity in pro-gun contributions between the Democratic and Republican parties.]

PIPER FUND

\$265,000 awarded since 2009, including \$40,000 in February 2012 for a funder collaborative that awards grants on a state-by-state basis to expand the reach of campaign-finance-reform efforts at the state and local level

73. [The Chronicle of Philanthropy, November 11, 2012](#)

Nonprofits that Work on Democracy Issues Seek New Allies

Benjamin Jealous, head of the NAACP, developed a shared advocacy strategy in summer 2012 with leaders from the Communications Workers of America, Greenpeace, and the Sierra Club, with the goal of combatting laws that require new forms of voter identification and restrict early voting, as well as other proposals and court decisions that they say disproportionately affect minorities and poor people. Jealous says about the new coalition, “This is about self-interest on a very basic level. Our enemies – folks who are trying to suppress the vote – are the same people who are attacking the environment.” According to Marc Caplan, senior program officer of the Piper Fund, more nonprofits need to develop coalitions to engage more Americans in the democratic process and for the organizations to make progress in meeting their missions. Caplan says, “I have no doubt that if we had the resources, it would be easy to identify 30, 40, 50 organizations in a variety of sectors that in the past haven’t been thought to be involved in money and politics but would find it a key component of their work going forward. Any constituency that is seeing their agenda impaired or blocked by the overwhelming amount of corporate special-interest money in our system – not just campaign contributions but lobbying and public relations – should have a deep interest in this.” This year Piper Fund will give about \$2.5 million to groups working on campaign finance and related issues.

74. [The Chronicle of Philanthropy, November 11, 2012](#)

Foundations Are Searching for Ways to Fix an Ailing Political Process

When Robert Gallucci became the president of the John D. and Catherine T. MacArthur Foundation, he quickly became dismayed by how virtually every problem the foundation tried to tackle would find itself snarled by inaction in Washington, D.C. So Mr. Gallucci became one of a handful of foundation leaders who are investigating how to use philanthropy to help “strengthen democracy.” Amid concerns about big money in politics, infringements on voting rights, a divisive political climate and the failure of a polarized Congress to pass legislation on a range of issues, philanthropies are beginning to wade into such issues, including supporting campaign-finance reform efforts. John Kowal, vice president for programs for the Brennan Center for Justice [a Columbia Foundation grantee], says, “Funders are beginning to recognize that you can’t really advance a wide range of goals or get things done right now in Washington because of the system of money and politics. I’m excited that funders are beginning to come back into this field.” Some foundations support the Piper Fund, “a grantmaker that raises donations, in its efforts to educate lawmakers and the public about alternatives to the direct election of judges.”

75. [The New York Times, December 1, 2012](#)

Mr. Cuomo’s Next Big Task

The writers call for New York Governor Andrew Cuomo to “use his considerable political influence to make it [campaign-finance reform] happen, changing the money culture in Albany and providing a model for the rest of the country.” The writers urge that the change be led by enacting a public-financing system, modeled after the New York City program, and say, “By setting a national standard for public financing, New York State could go from laggard to leader.” [This New York Times editorial notes the involvement of several organizations working on the New York campaign, including Piper Fund grantees the Brennan Center for Justice and Common Cause.]

76. [The New York Times, December 12, 2012](#)

Cuomo Puts Campaign Finance on 2013 Agenda

New York Governor Andrew Cuomo reiterates his commitment to campaign-finance reform, including public financing, as a priority for legislative action in 2013. New York Attorney General Eric Schneiderman proposes adopting tough rules that would require politically active non-profits to report their political budgets and donors. [According to Marc Caplan, senior program office for Piper Fund, Piper’s 2012 support for public financing work in New York includes grants of \$175,000 to New York advocates to boost their 501(c)(3) public-education efforts around public financing and an additional \$75,000 grant for 501(c)(4) advocacy work. This brings the total of Piper’s support of public education

and advocacy work for public financing in New York for all of 2012 to over a million dollars – \$1,075,000.]

77. [The New York Times, January 24, 2013](#)

Critics of State's Campaign Finance Laws Seek Philanthropists' Help

Advocates for improving New York's campaign-finance laws met with 40 philanthropists in New York on January 24, 2013, in an effort to increase support for their efforts. Eric T. Schneiderman, the state attorney general who has moved to force disclosure of more political donors, was among those who spoke to the group. The meeting was organized by the Piper Fund, which awards grants to support state and national groups working on changing how campaigns are financed. The gathering came as supporters of setting up a system of public financing for state elections prepare to push for legislation to be enacted in this year's session. Marc Caplan, the senior program officer for the Piper Fund, says, "New York would be by far the biggest victory to date. It's the No. 1 priority for national organizations interested in fighting money in politics, and to the growing number of philanthropists who are interested in issue."

PUBLIC CAMPAIGN

\$520,000 awarded since 2003, including \$40,000 in February 2012 to provide strategic consulting and leadership to advance understanding of and support for public finance of political campaigns

78. [Vimeo.com by Public Campaign, August 1, 2012](#)

Capitol Hill Press Conference

Nick Nyhart [president and CEO of Public Campaign] and House Democrats, including Leader Nancy Pelosi, Assistant Leader Jim Clyburn, Caucus Chair John Larson and seven other members of Congress gather to call for significant money-in-politics reforms. [This is an embedded video; a Vimeo link is also provided.]

79. [\(The\) HuffingtonPost.com, January 17, 2012](#)

New Yorkers Want a More Accountable Government

Nick Nyhart writes, "Almost all of the campaign finance stories many of us have heard about lately have to do with super-PACs, billionaire casino moguls, and a debate about whether corporations are people. New York Gov. Andrew Cuomo (D-N.Y.) is taking leadership this year, however, to show that we can do better and start to put everyday people back in charge of our elections. As we watch the federal campaign finance system move further and further into the hands of an elite few wealthy Americans, New York will hopefully move in a different direction – one that could serve as an example to the rest of the country. It's been estimated that the 2012 federal elections will cost more than \$11 billion – nearly double the 2008 election. That money is going to come from millionaires and billionaires on both sides of the aisle and you can bet they'll expect a return on that investment. New Yorkers can show the rest of the country that there's a better way." [This op-ed is written by Nick Nyhart, president and CEO of Public Campaign. The op-ed links to a Siena Research Institute poll that shows that 74% of New Yorkers support Governor Cuomo's proposal for public financing of elections and lower campaign-contribution limits.]

80. [The Nation, January 30, 2013](#)

The Election Reform Moment?

According to the writer, "The days of imagining we can merely tinker around the edges of America's historically dysfunctional system for funding political campaigns with private dollars are over. There is no small reform that will begin to adequately control what former Senator Russ Feingold identifies as 'legalized bribery.' That understanding is what has made even the winners under the current system, led by President Obama, recognize that big changes are needed. Obama has responded with uncharacteristic aggressiveness to the Supreme Court's 2010 obliteration of limits on corporate intervention in our elections. After calling out the Court in his State of the Union address in 2010, he acknowledged in 2012 that 'we need to seriously consider mobilizing a constitutional amendment process to overturn Citizens

United (assuming the Supreme Court doesn't revisit it).' The president's evolution toward an embrace of a constitutional remedy once considered radical mirrors a dawning recognition that the work of campaign finance reformers in America is no longer just about the simple 'good government' project of old. Now it's about building a movement that goes to the heart of the matter: the corporate control of elections and governance." Nick Nyhart [president and CEO of Public Campaign], says, "If we are to build a movement big enough to win a constitutional amendment, we are going to need near-term democracy victories that make a difference in people's lives to sustain and expand that movement." Eleven states have moved legislatively or at the polls calling for a constitutional amendment and more than 150 communities across U.S. have passed voter-initiated ballot proposals. Move to Amend activist Kaitlin Sopoci-Belknap says, "In every single community where Americans have had the opportunity to call for a constitutional amendment to outlaw corporate personhood, they have seized it and voted yes overwhelmingly. Americans are fed up with large corporations wielding undue influence over our elections and our legal system." According to the writer, "This grassroots movement is real, and it crosses partisan, ideological and regional lines." John Bonifaz, cofounder of Free Speech for People, says that "the people are ready to take their country back. What's necessary now is to build a movement that is big enough and bold enough to renew their faith that money can be beaten."

81. [\(The\) HuffingtonPost.com, February 19, 2013](#)

Supreme Court Takes Campaign Finance Case, Will Rule On Contribution Limits

The Supreme Court announces that it will hear a case challenging the two-year cycle limit on campaign contributions from individuals. The case, *McCutcheon v. Federal Election Commission*, argues that the limit on what individuals are allowed to give candidates and parties and PACs is an unconstitutional violation of the individual donor's free-speech rights. If the court rules against the two-year limits, it would mark the first time a court has overturned a part of the landmark *Buckley* ruling that deals with campaign-contribution limits. Nick Nyhart, president and CEO of Public Campaign, says, "In agreeing to hear the *McCutcheon* case, the Supreme Court has an opportunity to defend common sense limits on how much influence wealthy special interests can buy in Washington. In recent decisions, the Court has too often sided with big donors and against our democracy. It's time for the Court to stand up for the voices of everyday people and uphold the limits."

82. [Politico, February 19, 2013](#)

Supreme Court will hear appeal of campaign donation limits

Three years since the landmark *Citizens United* decision that dramatically changed campaign-finance laws, the Supreme Court announces it will take up another campaign-finance case challenging how much donors can give to campaigns and committees. The court will hear *McCutcheon v. Federal Election Commission*, which deals with the constitutionality of aggregate contribution limits, in October 2013. A federal appeals court upheld the limits. [The article quotes Nick Nyhart, president and CEO of Public Campaign.]

83. [\(The\) HuffingtonPost.com, February 20, 2013](#)

David Axelrod: Remove Campaign Contribution Limits To End Super PACs' Game

David Axelrod, the former top political adviser to President Obama, calls for the end of candidate contribution limits as a way to regain control of elections from less accountable superPACs and other groups that have multiplied since the *Citizens United* ruling by the Supreme Court in 2010. Nick Nyhart, president and CEO of Public Campaign, a watchdog group promoting public financing of elections, says, "Axelrod's seemingly new belief that we should get rid of contribution limits altogether will make the political system he and President Obama have so long railed against even worse. The answer should be empowering small donors, a theme that has been the position of the past two presidential campaigns he has worked on."

Marriage equality

EQUALITY CALIFORNIA

\$195,000 awarded since 2007, including \$40,000 in February 2012 for *The Breakthrough Conversation*, a public-education campaign working to overcome negative psychological, cultural, and emotional triggers relating to LGBT people and children, which impede the fight for equality

84. [\(The\) HuffingtonPost.com, September 30, 2012](#)

Jerry Brown, California Governor, Signs SB 1172, Bill Banning Gay Conversion Therapy For Minors
California Governor Jerry Brown signs SB 1172, a bill banning gay-conversion psychotherapy. Co-sponsored by Equality California, the bill prohibits so-called “reparative therapy” for minors administered by mental-health professionals aimed at altering sexual orientation or gender identities and expressions. [According to the article] “Conversion” or “reparative” therapies include a wide variety of techniques from counseling to shock therapy to – in extreme cases – exorcism, used in an attempt to “cure” individuals of their homosexual and transgender orientations and identities. In signing the bill, Governor Brown says, “This bill bans non-scientific ‘therapies’ that have driven young people to depression and suicide. These practices have no basis in science or medicine and they will now be relegated to the dustbin of quackery.”

85. [San Diego Gay and Lesbian News, October 1, 2012](#)

New California law ensures equal access to fertility services for same-sex couples

California Governor Jerry Brown signs a bill to ensure that women in same-sex relationships and single women can access fertility services on the same terms as women in heterosexual relationships. Clarissa Filgioun, Equality California board president, says, “The decisions regarding building a family are a core freedom in California. Same-sex couples have faced many barriers in forming families, including unequal access to fertility healthcare. This unequal treatment has, heartbreakingly, denied many couples the opportunity to conceive a child of their own. Signing AB 2356 works to remedy that disparity, putting the joy of having a child and building a family within the reach of all loving families. We thank Assemblymember Skinner for her leadership on this bill and Governor Brown for removing one more barrier to a state of equality.” [The law went into effect on January 1, 2013.]

FREEDOM TO MARRY (FTM)

\$715,000 awarded since 2002, including \$40,000 in February 2012 for continuing support of this national-strategy center on marriage equality

86. [The Oregonian, December 1, 2012](#)

Washington same-sex marriage law arrives as public attitudes change

Same-sex marriage is legal in the State of Washington as of December 6, 2012. Along with the defeat of a measure in Minnesota that sought to constitutionally ban same-sex marriage, the decisions marked the first time that voters at the state level agreed that marriage should be extended to all couples. Evan Wolfson, president of Freedom to Marry, says that the growing acceptance of gays and lesbians in the U.S. has had an impact on changing minds as has a shift in how gay-rights advocates began to talk about the subject of marriage after Proposition 8 passed in in 2008, which banned same-sex marriage in California. Wolfson says, “There was still a group of people who wanted to be fair, but they had not overcome their discomfort or uncertainty about whether gay people should be allowed to get married.” Instead of focusing on rights, “we made an effort to emphasize why marriage is important” to same-sex couples, he continues. “And that centers on values, on commitment to one another and protecting our families. That is central to our dreams, like with most people.”

87. [The New York Times, December 10, 2012](#)

For Marriage Equality, the Work's Not Just in Court

Evan Wolfson writes, “Proponents of same-sex marriage had good reason to celebrate last week; the Supreme Court announced that it could restore the freedom to marry in California and end federal discrimination against the marriages celebrated by same-sex couples in the nine states (along with the District of Columbia) that have the freedom to marry. For those who believe, as the Rev. Dr. Martin Luther King Jr. did, that the arc of history is long, but bends toward justice, the prospect of a landmark ruling that would add the United States to the growing list of nations that grant gay people the freedom to marry – including Argentina, Canada, the Netherlands and South Africa – is a cause for much hope. But even though American public opinion on the matter has shifted more rapidly than almost anyone could have predicted as recently as a decade ago, supporters of marriage equality can’t just sit and wait for change. We’ve seen from other social justice movements that national resolution on historically contentious civil rights questions typically comes after a long period of work, during which advocates build a critical mass of states that end discrimination and a critical mass of public support, which empowers the Supreme Court or Congress to then establish fundamental rights throughout the nation. This is a pattern that abolitionists, supporters of women’s enfranchisement, the modern African-American freedom movement and advocates for people with disabilities – among many others – have followed. Now here we are, with the Supreme Court heading toward decisions on both the state and federal marriage discrimination that same-sex couples endure. And if we do our part over the next months, building on the irrefutable momentum of 2011 and 2012, we can give the justices confidence that when they stand on the right side of history, their rulings will not only stand the test of time, but be true to where the American people already are.” [This op-ed is written by Evan Wolfson, president of Freedom to Marry.]

88. [The Atlantic, December 11, 2012](#)

The Marriage Plot: Inside This Year's Epic Campaign for Gay Equality

The writer says, “Today, America stands on the brink of a gay-marriage tipping point. The Supreme Court’s announcement Friday that it would hear two cases related to gay marriage, including an appeal on California’s Proposition 8, raised the possibility that by next summer legal gay marriage could be the law of the land.” Evan Wolfson, president of Freedom to Marry, says that no group should have to have its rights voted on by its fellow citizens. “It’s very hard for a minority to turn to the majority and say, ‘Please vote to end discrimination. If it were that simple, we wouldn’t need courts or a Constitution. The American idea is that certain protections can’t be voted away, and the majority must accord equal terms to the minority.’” [The article chronicles the development of Freedom to Marry by founder and president Evan Wolfson and the rise of the same-sex marriage movement in 2012.]

89. [The National Law Journal, December 19, 2012](#)

Evan Wolfson discusses same-sex marriage's long road to the high court

Next year, when the U.S. Supreme Court hears arguments on two same-sex marriage cases, 30 years will have passed since Evan Wolfson, then a young Harvard Law student, at the forefront of that civil rights movement today, wrote a thesis arguing the constitutional, legal, and social reasons for recognizing gay marriages. Wolfson says, “For years I’ve been preaching that change like this doesn’t happen overnight. Historically, we know change like this takes decades. That said, I believe it is time. I look forward to bringing it home as soon as possible.” [This is an interview of Evan Wolfson, president of Freedom to Marry.]

90. [MSNBC, February 20, 2013](#)

New ad features Democrats, GOP backing LGBT marriage

MSNBC’s Thomas Roberts talks to Evan Wolfson, president of Freedom to Marry, about an unprecedented new marriage-equality ad campaign. [This is an embedded video; a link to MSNBC is also provided.]

Reduction of recidivism and the number of those imprisoned in California

PRISON MEDIA PROJECT

\$68,000 awarded in December 2012 for support for two years to produce, edit, print, and distribute the *San Quentin News* to the state's 33 prisons to provide information about the positive rehabilitative methods employed at San Quentin and to analyze the criminal-justice system in the U.S. The *San Quentin News* is an on-going project of San Quentin inmates, involving assistance from professional journalists, who volunteer their time. The paper is written and edited by San Quentin prisoners.

91. [San Quentin News, January 2013](#)
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PRISON UNIVERSITY PROJECT

\$300,000 awarded since February 2012, including \$200,000 in December 2012 to provide rigorous higher education including an Associate degree to men incarcerated at San Quentin, to create a replicable model for other state prisons, and to stimulate public awareness and dialogue about the state of criminal justice in the United States

92. [Los Angeles Review of Books, September 14, 2012](#)

Prison.edu: On the Most Effective, Underfunded College System in the US

The Prison University Project (PUP) teaches 20 classes a semester and has a total enrollment of under 400 students. The campus is housed within San Quentin State Penitentiary, which is also the home of California's death row as well as a reception center where new inmates are separated by security level and race. The majority of prisoners enter the general population at San Quentin, but some are moved to one of thirty-two other state prisons. Those who move on go without a chance at receiving a college education, as no other prison in California offers one. To take classes with PUP, a prisoner needs a high-school degree or equivalent, but most students begin in remedial classes because the actual educational level of someone with a high-school diploma is often below what PUP's classes demand. When the program was founded, potential students were given a placement exam, but a majority ended up in remedial classes after performing poorly on the test. Now, the remedial classes are the default for every new student. The college program at San Quentin is an extension site of Patten University, a small college in Oakland. Jody Lewen, the executive director, has been running PUP since 2000. Lewen started volunteering in 1999 while in a Ph.D. program at UC Berkeley. The year after Lewen started volunteering, the college's volunteer coordinator (PUP had not been founded yet) quit. Lewen, still working on her dissertation, was the only person willing to take over the program. Since Lewen took over, the group has raised enough money to afford an office and a (paid) staff of 10. In 2011, California budgeted \$10 billion for the Department of Corrections and Rehabilitation, but PUP receives none of it, nor does it receive any federal funds. The organization relies on individual donors. The research on prison-based college education, and the arguments advocating for it that grow from that research, often focus on graduation rates, money saved by taxpayers, decreased recidivism, and increased public safety. Lewen says that the "terms of debate" are dictated by politics. She disparages them all as variations on "how can we make it easier on us when they get out." She says that while recidivism, public safety, and cost are important, "there's a universe beyond those issues," and that being outside the mainstream has benefits. Because they receive no funds from government, PUP is free to design the program and evaluate it in any way they see fit. All the evidence Lewen has to date is anecdotal, but she believes that the greatest impact the program has on its students comes when they complete their first, remedial, non-credit class. According to Lewen, former students are not staying free of the criminal-justice system simply because the education they received resulted in a good-paying job, but because when prisoners become students, they gain self-esteem and are able to redefine themselves. She expects to find that completing even a few classes helps prevent drug and alcohol relapse, strengthens familial relationships, and improves mental health as well as social skills. Lewen says that if PUP only concerned itself with

graduation rates, post-release employment, and taxpayer cost-savings, they might miss the part of their work that has the greatest effect. [When Lewen first met the writer] she said, “Feeling good about providing education to prisoners is like feeling good about dragging people out of the water when there are corpses floating all around you.” The writer says that Lewen “employed that graphic metaphor while encouraging me to visit San Quentin, and warning me against adopting the paternalistic tone she hears in journalism about programs that assist prisoners. The public should not be misled, she insisted; teaching twenty classes a semester is nothing. At last reported count, California was holding 133,380 people in state prisons.” [While at the prison, the writer interviews students and meets with them about this article.] The writer says, “A trim man with soft eyes, sitting just to my left, wants to know how I will write about prison college programs, and this class. We talk about how to contextualize the subject, what information is most important to include, how to present characters both sympathetically and realistically. And this man – who is serving a sentence of 25 years to life – smiles up at me and says that writing sounds very difficult. I have his sympathy, he says.”

SAN FRANCISCO SHERIFF DEPARTMENT’S FIVE KEYS CHARTER SCHOOL

\$140,000 awarded since February 2012, including \$70,000 in December 2012 for the *Five Key Curriculum Project* and the start-up and operating costs for FKCS involvement in the *San Francisco Community Assessment and Service Center* in partnership with Adult Probation to provide education to recently released ex-offenders, who are placed in one of four tracks: (1) high-school diploma, (2) GED; (3) adult basic education (ABE); or (4) workforce development

93. [San Francisco Chronicle, January 29, 2012](#)

5 Keys Charter School helps S.F. inmates

Ten years ago, the San Francisco Sheriff’s Office opened Five Keys Charter School, the first public high school to open in a jail, something that required a state waiver to allow for the enrollment of adults. The school’s philosophy is founded on the five keys to an inmate’s success: connection to community; a focus on family; recovery from substance abuse; education; and employment. The curriculum is tailored to meet the needs and interests of the students. Since 2003, Five Keys has handed out more than 600 high-school diplomas, certificates of completion or equivalency diplomas. School officials have tracked their graduates, finding that the recidivism rate for Five Keys graduates one year out is 44% compared with 68% for other inmates. The San Francisco County Jail’s class of 2013 included 20 graduates who earned their diplomas behind bars. At age 49, Frederick Releford is a graduate this year, 23 months into a four-year sentence. Releford says, “I put myself in here. I’m just trying a day at a time to be productive. Something good, not bad, is coming out of this.”

Food and Farming

CALIFORNIA CLIMATE AND AGRICULTURE NETWORK (CALCAN)

\$185,000 awarded since 2009, including \$50,000 in April 2012 to advance policies that recognize and provide financial rewards for sustainable agricultural practices that mitigate and adapt to climate change

94. [The Sacramento Bee, August 2, 2012](#)

Viewpoints: Climate change is another reason to protect farmland

The writers say, “New reports released Tuesday by the California Natural Resources Agency and the California Energy Commission provide valuable data on climate change adaptation. One of the studies, funded by the Energy Commission’s Public Interest Energy Research Program, adds a new and compelling reason to protect California’s working lands. Led by Louise Jackson, a team of researchers at the University of California, Davis, in cooperation with county agencies, conducted an inventory of greenhouse gas emissions on Yolo County farmland and studied how agriculture can adapt to climate

change. Importantly, the study found that urban land accounts for 70 times more greenhouse gas emissions per acre than cropland. According to the authors, this finding ‘suggests that land-use policies which protect existing farmland from urban development are likely to help stabilize or reduce future emissions, particularly if they are coupled with ‘smart growth’ policies that prioritize urban infill over expansion.’ The authors go on to state that even greater climate benefits can be gained by using farming practices that reduce emissions, sequester carbon and buffer crop production from uncertainties in future climate and fluctuating energy prices. Thanks to the team of UC Davis researchers and government funding for their study, we can add climate protection to the compelling list of reasons to invest in the long-term protection of California’s farms and ranches.” [The op-ed is written by Rich Rominger, former secretary of the California Department of Food and Agriculture, and former deputy secretary of the U.S. Department of Agriculture; and Renata Brillinger, the executive director of CalCAN.]

95. [Youtube.com by CalCAN, August 24, 2012](#)

Sustainable Agriculture Leaders: Rosie & Ward Burroughs

Rosie and Ward Burroughs are organic-almond farmers and operate an organic pasture-based dairy in California’s Central Valley. They describe the methods for producing compost for fertilizing the soil, as well as the role that cattle play in maintaining the ecological balance on their grass pastures. They also talk about the need for farmers to find creative ways to deal with climate change. According to CalCAN, in the debates by the California legislature about how the state’s cap-and-trade revenue will be used, sustainable agriculture is considered as an eligible funding category. Revenue for agriculture could help fund more research, technical assistance and on-farm incentives for climate-friendly farming practices such as those used by the Burroughs. [This is an embedded video; a YouTube link is also provided.]

96. [KQED Climate Watch, September 7, 2012](#)

Planting the Seeds for ‘Greener’ Farms – Sustainable ag makes its bid for cap & trade revenues

AB 1532 is passed by the California Assembly, sending it to Jerry Brown for signature. AB 1532 lays out an approach for allocating cap-and-trade auction revenues, which are expected “to reach into the billions of dollars” by the end of 2013, ensuring that all proceeds from the sale of permits be used to further reduce greenhouse-gas emissions. Among the eligible activities identified in the bill are farming and ranching practices that reduce greenhouse-gas emissions and sequester carbon, such as reducing soil tillage, improving energy and water efficiency, and reducing synthetic fertilizer use through compost, cover crops, and crop rotation. Renata Brillinger, executive director of CalCAN, says, “A lot of these practices also have a number of co-benefits such as improving air and water quality, reducing erosion, and improving soil quality.” CalCAN has lobbied to have sustainable agriculture included in the bill. If Brown signs the law, it will go back to the legislature next year and then be passed along to the state Air Resources Board for implementation. Only then will it be determined how much money could go to sustainable agriculture or to calculate the greenhouse-gas-emissions reduction that could be achieved statewide. Brillinger continues, “Everyone wants to have those hard numbers, but it’s proving elusive. It’s a sector that is very susceptible to climate change impacts, and has some potential that some of the other sectors don’t. It’s one of the only sectors, forestry being the other, where there’s some carbon sequestration possible. We’ll continue to plug away at that message.”

97. [Western Farm Press, October 2, 2012](#)

Governor signs bill to ease small-scale renewable energy generation

California Governor Jerry Brown signs Senate Bill 594, removing barriers to on-site renewable energy production. According to the article, farmers and ranchers typically have multiple meters on their property. Current California law prohibits the power generated from an on-site renewable facility to be counted against other meters. Consequently, farmers have to install a separate facility for each meter, which is extremely inefficient and cost prohibitive; it limits their ability to generate renewable energy in a cost-effective manner. Senate Bill 594 addresses this issue and eliminates the need for multiple facilities. The new law will ease the production of small-scale distributed renewable-energy production in the state.

Jeanne Merrill, policy director with CalCAN, says, “California farmers produce more renewable energy on their farms and ranches than their counterparts in other states, but obstacles still exist. The governor’s action today moves us closer to developing more on-farm renewable energy production throughout California.”

98. [Grist.org, October 4, 2012](#)

Cap-and-spade: Will California’s carbon market dollars go to organic farms?

[Signed on September 30, 2012 by Governor Jerry Brown] AB 1532 becomes law, “a groundbreaking bill” that promises to do two important things at once: boost sustainable farming in the nation’s biggest agricultural state and reduce greenhouse-gas emissions. According to the article, this cap and trade program will result in new public funds that can be invested in activities that further reduce greenhouse-gas emissions, including activities such as sustainable agriculture. However, because the language in the bill is somewhat vague, calling for the “development and implementation of sustainable agriculture,” there is the possibility that the money could get tied up in the current battle over what “sustainable” means. Renata Brillinger, CalCAN’s executive director, says that the risk underscores the need “to develop science-based criteria for what sustainable agriculture means.” She also says that the farms that use a number of sustainable practices have the smallest climate impacts overall. Brillinger continues, “A lot of the science takes a farming practice or two in isolation, but studies that look at whole systems – multiple practices in combination – are showing great benefits in terms of reducing GHG emissions, sequestering carbon, and providing more resilience for the farm as well.”

99. [Public News Service, October 8, 2012](#)

Farmers Getting Support to Adapt to Climate Changes

California farmers trying to adapt to climate change are getting some support, as Governor Jerry Brown has signed two bills (AB 1532 and SB 535) that will help the state reach its greenhouse-gas reduction goals. CalCAN says agriculture can significantly reduce its greenhouse gas emissions while providing additional environmental and health benefits. [This is an embedded radio report; a link to the report on the Public News Service website is also provided.]

CENTER FOR FOOD SAFETY (CFS)

\$540,000 awarded since 2003, including \$75,000 in April 2012 for the *California Food and Agriculture Initiative* to halt the further commercialization of genetically engineered (GE) crops until their safety and effectiveness for sustainable agriculture can be demonstrated

100. [San Francisco Chronicle, August 24, 2012](#)

USDA panel gets altered-crops pay plan

Californians have the opportunity to vote in fall 2012 on a ballot measure [Prop 37] that would require the labeling of genetically engineered foods. [Prop 37 was defeated on the November 2012 ballot.] Regardless, the USDA is “tied in knots” over how to deal with the contamination of organic and conventional foods by biotech crops. A USDA advisory panel will consider a draft plan to compensate farmers whose crops have been contaminated by pollen, seeds, or other stray genetically engineered material. The meeting is expected to be “contentious, pitting the biotechnology and organic industries against each other.” The draft report acknowledges the difficulty of preventing genetically modified (GMO) material from inadvertently entering the food supply and concerns that the purity of traditional seeds may be threatened. According to the article, 90% of U.S. corn is GMO, 99% of the Arkansas cotton crop is GMO, and most processed foods contain genetically engineered material. Lisa Bunin, organic policy coordinator for the Center for Food Safety, says that crop insurance would put the burden of proof and cost on contamination victims. She says that the focus should be on preventing contamination, and that Prop 37 shows that people are “waking up to the realization that there are hidden ingredients in their food.” Bunin continues that compensation is “just a way to hide the effects of ... contamination,” calling the draft a “last-ditch attempt by the biotech industry to institutionalize transgenic contamination.”

101. CommonDreams.org, September 13, 2012

'Agent Orange Corn' One Step Closer to Approval

The farmer group, Save Our Crops Coalition (SOCC), had previously denounced a genetically modified crop able to withstand being sprayed with 2,4-D, one of the components of Agent Orange. But on September 11, 2012, SOCC released a joint statement with Dow, stating that it had resolved its issues, and that “SOCC believes that commitments made by Dow AgroSciences represent substantial measures to mitigate potential non-target plant damage impacts from herbicide spray drift and volatilization associated with 2,4-D tolerant crops.” Alexis Baden-Mayer, political director at the Organic Consumers Association, says that SOCC is “narrowly focused on the economic interests of farmers whose crops could be injured by 2,4-D herbicide drift.” The opponents of “Agent Orange corn” also point to the potential impacts on human health and the environment. Wenonah Hauter, executive director of Food & Water Watch, says serious cause for concern remains. Hauter says, “This agreement between Dow and the Save our Crops Coalition does nothing to mitigate the threats that this 2,4-D tolerant crop poses on human health and the environment and only further illustrates ironclad control that Big Agribusiness holds over our food system. Many studies prove that 2,4 D exposure is associated with various forms of cancer, Parkinson’s Disease, nerve damage, hormone disruption and birth defects and evidence is mounting that 2,4-D is quickly following in the disgraced footsteps of Monsanto’s Roundup as giving rise to unkillable superweeds. The health of consumers, our soil and farm workers is once again left in the figurative and potentially literal dust.” Andrew Kimbrell, executive director of the Center for Food Safety, says, “This novel corn will foster resistant weeds that require more toxic pesticides to kill, followed by more resistance and more pesticides – a chemical arms race in which the only winners are pesticide/biotechnology firms.”

102. [Mother Jones](http://MotherJones.com), December 1, 2012

DOJ Mysteriously Quits Monsanto Antitrust Investigation

The Department of Justice (DOJ) ends an antitrust investigation into possible anticompetitive practices in the U.S. seed market, which it had begun in January 2010. According to Tom Philpott, the seed trade is dominated by five companies: Monsanto, DuPont, Syngenta, Bayer and Dow, whose crops (GMO corn, soy, and cotton) cover the majority of U.S. farmland. A single company, Monsanto, supplies “nearly all genetically modified traits now so commonly used in those crops, which it licenses to its rivals for sale in their own seeds.” The DOJ ended the investigation without taking any action, and did so with a total lack of public information, and did not even see fit to mark the end of a two-year investigation with a press release. News of it emerged from a brief item Monsanto itself issued the Friday before Thanksgiving, declaring it had “received written notification” from the DOJ antitrust division that it had ended its investigation “without taking any enforcement action.” Diana Moss, vice president and senior research fellow American Antitrust Institute, points out that in truly competitive markets, “technologies that enjoy widespread and rapid adoption” – like GM seeds – “typically experience precipitous declines” in price. But between 2000 and 2008, “real seed costs [for farmers] increased by an average annual rate of five percent for corn, almost 11 percent for cotton, and seven percent for soybeans.” And for most of those years, growth in the price farmers were receiving for their crops did not match growth in the price they were paying for their seeds – suggesting a possible squeeze on farmers by the seed industry. Data from the Center for Food Safety (derived from USDA data) shows that price increases have continued in the years since Moss’ study. Also, according to University of Illinois researcher Michael Gray, farmers lack access to non-GMO seeds. Bill Freese, science policy analyst for the Center for Food Safety, says that a competitive market is usually characterized by a high degree of innovation, but the main GMO traits in the field today are the same as those in the 1990s, when GMOs first released to the market: herbicide resistance and Bt. Philpott writes, “The industry’s much-heralded next big products – corn and soy engineered to withstand more toxic herbicides than Monsanto’s Roundup – is really just more of the same, intensified: herbicide resistance on steroids.”

103. [Reuters, December 10, 2012](#)

Food safety group calls for court to limit GMO seed patents

The Center for Food Safety filed an [amicus brief](#) to the U.S. Supreme Court on December 10, 2012, in support of Indiana soybean farmer Vernon Bowman in a case involving global seed giant Monsanto. The case began in 2007 when Bowman was sued by Monsanto for infringing on its seed patents. Monsanto won a lower court ruling, and Bowman was ordered to pay Monsanto \$84,000. Bowman claims he bought the seeds as part of an “undifferentiated mix of commodity seeds from a grain elevator, and that farmers had used such seeds for planting for decades.” According to the article, commodity seeds come from farms that use GMO seeds and those that do not. There are no licensing agreements required with the sale of these seeds. Bowman argued that he should be able to use the second-generation seeds for a “natural and foreseeable purpose of planting,” and that Monsanto's patent rights did not extend past its initial sale of the seeds. According to the Center for Food Safety, patent protection for genetically modified corn, soybeans, and other crops must be limited so that farmers can save their seeds and protect themselves against litigation. CFS says that the case is but a “microcosm of a systemic problem,” and the outcome of the case could have far-reaching impacts as Monsanto and other biotech seed developers expand their dominance of agricultural seeds. CFS attorney [and executive director] Andrew Kimbrell says, “It is a really critical moment for the court in terms of plant patenting. Patenting should not interfere with a farmer's right to save seeds. They should not resell them or repackage them or become competitors of Monsanto, but the seed they buy they should be able to use them in a natural way for planting. This is not only about farmer rights, it's about farmer survival.” According to the Center for Food Safety brief, “the current intellectual property environment of transgenic crops has spurred the privatization and concentration of the world's seed supply.” Ten multinational corporations hold approximately 65% of commercial seed for major crops. [Links to the amicus brief are in the article and this summary (above).]

104. [The New York Times, December 21, 2012](#)

Engineered Fish Moves a Step Closer to Approval

Government regulators moved a big step closer on December 21, 2012, to allowing the first genetically engineered animal – salmon – to enter the U.S. food supply. Food and Drug Administration (FDA) said it had concluded that the salmon would have “no significant impact” on the environment. The agency also said the salmon was “as safe as food from conventional Atlantic salmon.” While the agency's draft environmental assessment will be open to public comment for 60 days, “it seems likely that the salmon will be approved, though that could still be months away.” FDA's environmental assessment is dated May 4. It is unclear why it took so long for it to be released. The “AquAdvantage salmon” is an Atlantic salmon that contains a growth hormone gene from [an unrelated] Chinook salmon and [anti-freeze] genetic material from an eelpout. Andrew Kimbrell, executive director of the Center for Food Safety, says, “The GE salmon has no socially redeeming value. It's bad for the consumer, bad for the salmon industry and bad for the environment. FDA's decision is premature and misguided.” [FDA's draft environmental assessment is linked from the article.]

105. [San Francisco Chronicle, January 4, 2013](#)

FDA proposes new rules for food safety

On January 4, 2013, FDA proposed comprehensive rules to prevent the spread of food-borne illnesses epitomized by the 2006 E. coli outbreak caused by contaminated California spinach that killed at least three people and sickened as many as 205. The planned regulations (additional rules are pending) come two years after Congress passed the Food Safety Modernization Act. Senior lawyer George Kimbrell of the Center for Food Safety says that although he is pleased that this has finally been undertaken, the rule proposals took far too long to develop. In August, CFS filed suit against the FDA for missing its deadline to finalize the set of regulations. Kimbrell says, “We're talking about human health and safety, life and death. If you have law and don't implement it, it's an empty vessel.” Kimbrell says he hopes the FDA moves faster to develop the remaining regulations needed to satisfy the requirements of the food-safety

act. Kimbrell continues, “Sometimes you have to light a fire under an agency with litigation to get them to move. It’s a good start they have finally taken some tardy action, although there is much, much more to be done. We will continue to keep the pressure on them until they comply with Congress’ orders.”

106. [FoodSafetyNews.com, January 6, 2013](#)

Organics “Thrown Under the Bus” in Farm Bill Extension, Say Industry Advocates

On January 1, 2013, the government made an “eleventh-hour” decision to extend the 2008 farm bill for nine months instead of enacting a new 2012 farm bill. Mandatory funding for a number of organic programs written into the 2008 farm bill did not qualify for automatic inclusion into the farm-bill extension. The outcome is in contrast to the proposed Senate and House versions of the 2012 farm bill, worked out last summer, which had included funding for all of the organic programs. Among the organic programs not included in the extension of the 2008 farm bill are those that fund organic research and extension, cost share to become certified as organic, and an organic data-collection system; the same kind of data-collection system long-used for conventional agriculture, which did qualify to receive continued funding. Organic farmers say that these programs have helped them be more productive and better at marketing their goods to meet the growing demand for their crops, milk, meats, and other products. Lisa Bunin, organic policy director for the Center for Food Safety, says that organically grown food is the only food that is legally mandated to safeguard natural resources such as soil and water, as well as human health and animal welfare.

107. [Reuters, January 18, 2013](#)

Dow’s controversial new GMO corn delayed amid protests

Dow’s controversial new GMO corn Enlist [dubbed “Agent Orange” corn by opponents] will be delayed at least another year as the company awaits regulatory approval amid opposition from farmers, consumers, and public-health officials. Opponents have bombarded Dow and U.S. regulators with an array of concerns about Enlist, which is intended to replace Monsanto’s Roundup Ready corn. Although Monsanto’s Roundup Ready corn and soybeans dominate the U.S. market, millions of acres of weeds have developed resistance to Roundup herbicide [glyphosate], causing farmers to use higher quantities of Roundup and other herbicides to attempt to beat back the weeds. Critics warn that adding more herbicides to already resistant weed populations will only expand and accelerate weed resistance. The Center for Food Safety has likened the problem to a “chemical arms race” across farm country. The USDA has received more than 450,000 comments opposing approval of the 2,4-D tolerant cropping system, according to the Center for Food Safety, which opposes Enlist and has threatened to sue the government if it is approved.

108. [\(The\) HuffingtonPost.com, January 18, 2013](#)

Another Environmentalist Apologizes Over GMOs

Ken Cook, president of the Environmental Working Group (EWG), writes, “I need to start by publicly apologizing for *not* engaging in the debate over genetically engineered crops, technically, genetically modified organisms or GMOs, until two years ago. When I co-founded the Environmental Working Group in 1993, ... I dismissed people ... then affiliated with those who criticized GMOs. Their attacks did not seem grounded in science and did not approach our very real food and farming challenges with the same research-based intellectual rigor that we practice at EWG. Nor did I fight beside smart organizations like the Environmental Defense Fund, Consumers Union and the Center for Food Safety to make the scientific case to the federal Food and Drug Administration in the late 1980s and early 1990s. We should have persevered even when FDA decisions left advocates with no way to raise scientific objections, as we do with pesticides. At the time, it seemed quixotic to campaign against GMOs. The FDA and USDA were blithely rolling on their backs for multinational corporations that were poised to reap billions of dollars in profit from the technology. Now I see the error of my ways. Had I paid more attention, I might have foreseen how badly this technology would go awry. Toxic chemicals would be slathered on crops to battle GMO-resistant pests and weeds. According to a recent study by Washington

State University professor of agriculture Chuck Benbrook, the use of herbicides has increased by 527 million pounds, or 11 percent, since 1996, as more and more GMO crops have been planted. I might have been prescient enough – given EWG’s experience with Monsanto – to recognize that the company’s assertions that GMOs were viable were not to be trusted. And I totally missed the boat by failing to anticipate that GMO technology, as much as misguided government policies, has driven the spread of corn and soybean monoculture across millions of acres of American farmland. In the last four years, farmers have plowed up more than 23 million acres of wetlands and grasslands – an area the size of Indiana – to plant primarily corn and soybeans. Regarding the safety of organics, Benbrook says: ‘The most significant, proven benefits of organic food and farming are: (1) a reduction in chemical-driven, epigenetic changes during fetal and childhood development, especially from pre-natal exposures to endocrine disrupting pesticides, (2) the markedly more healthy balance of omega-6 and -3 fatty acids in organic dairy products and meat, and (3) the virtual elimination of agriculture’s significant and ongoing contribution to the pool of antibiotic-resistant bacteria currently posing increasing threats to the treatment of human infectious disease.’ Several smart people, among them journalists Jason Mark and Tom Philpott and the Union of Concerned Scientists’ Doug Gurian-Sherman, have categorically debunked ...claims that the science is settled. What the science does conclusively show is that we don’t need GMO crops to better manage water-polluting chemical fertilizer. So says the Leopold Center for Sustainable Agriculture, which recently found that a diverse crop rotation reduced nitrogen fertilizer use by 86 percent while maintaining yields. It concluded that diverse rotations ‘reduce the risk of creating herbicide-resistant weeds.’ It turns out that we need better farmers and a better farm bill, not better seeds. ...the debate about GMOs is not over. In fact, it’s just begun. Millions of Americans came out in support of federal and state initiatives to require labeling on food with GMO ingredients in 2012, their momentum (is) helping new initiatives, such as I-522 in Washington... As Americans, we are also entitled to the right to know what we’re buying, eating, and feeding our families. That right, and its surrounding dialogue, have yet to be silenced.”

109. [The Alaska Journal of Commerce, January 24, 2013](#)

FISH FACTOR: Extra time sought to comment on AquaBounty salmon

Fishing groups, consumers, and health organizations launch a final push to prevent genetically modified fish from getting approval by FDA. According to the article, as of January 18, 2013, there were 3,209 comments posted on the FDA regulation page; of the 15 pages of comments posted, not a single one spoke in support of the GM fish. The Alaska Legislature and state fishing groups have come out strongly against “Frankenfish” as has the National Humane Society, Center for Food Safety, among others. [The deadline for comments was originally scheduled for February 25, 2013. The comment period has been extended to April 26, 2013.]

110. [The Guardian \(London\), February 9, 2013](#)

Indiana soybean farmer sees Monsanto lawsuit reach US supreme court

The legal saga in the Bowman v. Monsanto case revolves around Monsanto’s aggressive protection of its soybean known as Roundup Ready, which have been genetically engineered to be resistant to its Roundup herbicide. When farmers plant Monsanto’s seeds they are obliged to only harvest the resulting crop, not keep any of it back for planting the next year. Each season, the farmer is required to buy new Monsanto seeds to plant. However, farmers are able to buy excess soybeans from local grain elevators, many of which are likely to be Roundup Ready due to the dominance Monsanto has in the market. According to the article, in Indiana, more than 90% of soybeans for sale as commodity seeds could contain the genes Monsanto developed. Monsanto says that if it allowed Bowman to keep replanting his seeds, it would undermine the company’s business model and endanger the expensive research that it uses to produce the seeds. Bowman’s supporters believe his case could help reform aspects of commercial farming, which is now dominated by huge corporations rather than small or family-run businesses. Bowman’s legal team intends to argue that the case could open the industry to greater anti-trust scrutiny, arguing that large corporation’s vice-like grip on farming and control of seeds needs to be loosened. Bowman’s lawyer

Mark Walters says, “It opens up these transactions (buying seeds) to greater anti-trust scrutiny by the Department of Justice. Right now they are sheltered by patent trust protection.” On February 12, 2013, the Center for Food Safety and Save Our Seeds will release a joint report examining the modern seeds industry. The organizations are “enthusiastic backers” of Bowman’s cause. Debbie Barker, the program director of Save Our Seeds and the international director of the Center for Food Safety, says a Bowman victory at the Supreme Court could push the industry towards opening up and treating seeds as a common resource, not a fiercely fought-over commercial battleground. Barker says, “It would help with wider reforms.” SOS believes Monsanto and other major firms are less concerned with protecting interests in research than in their lucrative business model. Just three companies now control more than 50% of the global seed market. Yet, despite the vast sums of money involved in modern farming, it is ironically Bowman’s own lack of money that has seen the case end up at the Supreme Court. Monsanto has a long record of reaching settlements with commercially pressured farmers it targets for patent infringements. But when the firm sued Bowman, he was already bankrupt after an unrelated land deal went wrong. Thus, he had little to lose. Bowman says, “I made up my mind to fight it until I could not fight it anymore. I thought: I am not going to play dead.”

111. [CommonDreams.org, February 13, 2013](#)

Corporatizing Seeds of the Commons: Patents Enabling Big Ag Control

On February 12, 2013, the Center for Food Safety and Save Our Seeds release the report [Seed Giants vs. U.S. Farmers](#). The report highlights how patents have enabled global corporate control over seeds, and how other agricultural giants are poised to follow in the steps of Monsanto in launching lawsuits against farmers for alleged seed patent infringement. Debbie Barker, program director of Save Our Seeds, international director of the Center for Food Safety, and senior writer for the report, says, “Corporations did not create seeds and many are challenging the existing patent system that allows private companies to assert ownership over a resource that is vital to survival, and that, historically, has been in the public domain.” The report states that the three chemical companies, Monsanto, DuPont, and Syngenta, together control 53% of the world commercial-seed market; and the top ten (mostly American) companies control 73% of the market. Some companies require that farmers sign contracts demanding that they will not reuse seed. The report also documents how the use of genetically engineered seeds “has fundamentally altered farming for thousands of American farmers.” These GMO seeds, the ones over which Monsanto targets farmers for patent infringement, are implicated in the rise of glyphosate-resistant superweeds. The report comes a week before the U.S. Supreme Court hears the case *Bowman v. Monsanto*. [The article quotes selections from the report. The report is linked from the article and from this summary (above).]

112. [\(The\) HuffingtonPost.com, February 13, 2013](#)

Seed Giants Sue U.S. Farmers Over Genetically Modified Seed Patents In Shocking Numbers: Report

The Supreme Court will hear arguments February 19, 2013, in *Bowman v. Monsanto*, a “landmark” court battle that has pitted farmer Vernon Bowman against the international agrichemical corporation over the issue of seed patents. In anticipation, the Center for Food Safety and the Save Our Seeds release the report *Seed Giants vs. U.S. Farmers*, which details similar cases. According to the report, Monsanto has alleged seed patent infringement in 144 lawsuits against 410 farmers and 56 small farm businesses in at least 27 U.S. states as of January of 2013. Also, the domination of the seed market by a handful of companies has caused huge price increases; between 1995 and 2011, the average cost of planting one acre of soybeans rose 325% and corn seed prices went up 259%. Seed patents are a type of biological patent, which are legally protected inventions or discoveries in biology. In the case of *Bowman v. Monsanto*, Bowman allegedly replanted second-generation seeds that had been purchased legally from a licensed Monsanto distributor instead of buying new seeds. Monsanto claims that in doing so, Bowman was essentially stealing its product. Monsanto has won battles in several lower courts. Monsanto argues that its patents protect its business interests and “provide a motivation for spending millions of dollars on research and development of hardier, disease-resistant seeds that can boost food yields.” Bill Freese, an author of the report and science policy analyst at the Center for Food Safety, says that the claims of higher

yields are untrue, and that “most major new crop varieties developed throughout the 20th century owe their origin to publicly funded agricultural research and breeding.” Crop diversity has decreased dramatically, coinciding with the emergence of the massive agrichemical companies. The report notes that 86% of corn, 88% of cotton and 93% of soybeans farmed in the U.S. are GMO. [The report is linked from the article.]

113. [Los Angeles Times, February 19, 2013](#)

Monsanto, the court and the seeds of dissent – Should Monsanto, or any corporation, have rights to a self-replicating natural product?

George Kimbrell and Debbie Barker of CFS write, “...attorneys for the largest agrochemical corporation in the world, Monsanto, will present arguments before the Supreme Court asserting the company’s rights to the generations of seeds that naturally reproduce from its genetically modified strains. *Bowman vs. Monsanto Co.* will be decided based on the court’s interpretation of a complex web of seed and plant patent law, but the case also reflects something much more basic: Should anyone, or any corporation, control a product of life? The case is a remarkable reflection on recent fundamental changes in farming. In the 200-plus years since the founding of this country, and for millennia before that, seeds have been part of the public domain – available for farmers to exchange, save, modify through plant breeding and replant. Through this process, farmers developed a diverse array of plants that could thrive in various geographies, soils, climates and ecosystems. But today this history of seeds is seemingly forgotten in light of a patent system that, since the mid-1980s, has allowed corporations to own products of life. Monsanto’s claim that it has rights over a self-replicating natural product should raise concern. Seeds, unlike computer chips, for example, are essential to life. If people are denied a computer chip, they don’t go hungry. A soybean...has more than 46,000 genes. Properties of these genes are the product of centuries of plant breeding and should not, many argue, become the product of a corporation. Instead, these genes should remain in the public domain. Take the example of the genetically engineered soybean in question. Its innovative trait is that it is resistant to the herbicide Roundup, whose primary ingredient is glyphosate. However, weeds are developing a rapid resistance to glyphosate. In January, *Farm Industry News* reported that the area of U.S. cropland infested with glyphosate-resistant weeds expanded to 61.2 million acres in 2012. These ‘super weeds’ are gaining momentum, increasing 25% in 2011 and 51% in 2012. In response, farmers resort to more soil-eroding tillage operations to combat the weeds, and they turn to more toxic chemicals. Based on data from the USDA, as much as 26% more pesticides per acre were used on genetically engineered crops than on conventional crops. And what is the industry’s response? Monsanto is planning to seek approval for dicamba-resistant soybeans, corn and cotton. Dow AgroSciences is seeking USDA approval of soybeans and corn resistant to 2, 4-D, an active ingredient in Agent Orange. ...the market concentration of 10 agrochemical companies owning about two-thirds of global commercial seed for major crops has narrowed the choice of seeds for farmers and resulted in higher seed prices. Over an 11-year period, the cost per acre of planting soybeans has risen a dramatic 325%. When arguments from both sides have been presented, the Supreme Court justices will have to thoroughly consider the many complexities of patent law as it pertains to self-replicating organisms. But taking a few steps back from the microscope and the lawbooks, they may find that there is a discussion to be had about a much deeper question: the appropriate role of ownership and control over the very elements of life.” [This op-ed is written by George Kimbrell, senior attorney at the Center for Food Safety, and Debbie Barker, the program director of Save Our Seeds and the international director of the Center for Food Safety.]

114. [Democracy Now!, February 21, 2013](#)

Bowman v. Monsanto: Indiana Farmer’s Supreme Court Challenge to Corporate Control of Food Supply [In this linked video] Democracy Now! discusses the *Bowman* case with Debbie Barker, program director of Save Our Seeds and international director of the Center for Food Safety. [\[Click here to see a list of media coverage by the Center for Food Safety and Save Our Seeds related to the *Seed Giants vs. U.S. Farmers Report* and the amicus brief for the *Bowman v. Monsanto* Supreme Court Case.\]](#)

CONSERVATION CORPS NORTH BAY

\$130,000 awarded since 2009, including \$50,000 in April 2012 for the *Indian Valley Organic Farm & Garden*

115. [Marin Independent Journal, September 15, 2012](#)

Master Gardeners: Indian Valley Organic Farm a good place for soil, produce and farmers

Launched in the spring of 2009, the *Indian Valley Organic Farm & Garden* is a 5.8-acre certified organic demonstration farm, teaching lab, and working farm and garden. It is the only one of its kind in Marin. A collaboration between the College of Marin, the Conservation Corps North Bay, University of California Cooperative Extension and Master Gardeners, it “showcases innovative sustainable agricultural and living practices, growing over one hundred varieties of vegetables, fruits, flowers and herbs.”

FOOD AND ENVIRONMENT REPORTING NETWORK (FERN)

\$20,000 awarded in May 2011 to fund, aggregate, and distribute investigative and in-depth reporting in the critical areas of food, agriculture, and environmental health by linking journalists, new media, and major media outlets while working to train journalists in investigative techniques

116. [The Nation, July 16, 2012](#)

Whose Side Is the American Farm Bureau On?

The American Farm Bureau, with its 6 million “member families,” ostensibly is the voice of the small farmer, but evidence points to the contrary – that it in fact protects of the interests of big agribusiness at the expense of small farmers. Rolf Christen, a cattle farmer in Missouri, was once an enthusiastic member of his local board, but he is no more. According to the writer, “Christen realized that the bureau’s ‘family farmer’ talk was cheap when he sought its help battling an industrial scale hog operation with 80,000 animals just up the road from his farm in northern Missouri beginning in 1993. The waste from the facility created a sickening, eye-watering stench that seeped across the land and into the homes of Christen and his neighbors, starting what would be an epic battle against Concentrated Animal Feeding Operations (CAFOs) that continues to this day. From California to New York, the Farm Bureau leads the charge for industrial-scale food production. It opposes the labeling of genetically engineered food, animal welfare reform and environmental regulation. In Washington, its well-funded team of lobbyists and lawyers seeks to undermine the federal Clean Water Act and the Clean Air Act, opposing pesticide restrictions and increased scrutiny of greenhouse gas emissions and pollution from CAFOs, like the ‘farm’ up the road from Christen. The Farm Bureau has sued the EPA, which is trying to limit farm runoff from polluting the Chesapeake Bay. At the same time, the Bureau pushes hard to expand international trade and lobbies for the stream of government subsidies that disproportionately benefit the nation’s biggest commodity farm operations and, indirectly, the agribusinesses at the heart of this system.” [The article links to a YouTube video of Rolf Christen telling his story. The article is written by Ian T. Shearn for the Food and Environment Reporting Network.]

117. [MSN, August 2, 2012](#)

The Faces of Food Stamps

According to the report, nearly 50 million Americans live in poverty and one-in-seven now receive Supplemental Nutrition Assistance Program benefits (food stamps). “Some have been chronically poor, but many are the newcomers to federal food assistance – recent veterans, college graduates, once middle-class families in suburbia, and farm workers.” [This report, by Malia Wollan for the Food and Environment Reporting Network, is a slideshow. The slideshow is linked from the report.]

118. [California Watch, August 7, 2012](#)

Boom-and-bust salmon catch is booming again

After years of depleted salmon stocks in Northern California, the fish have largely returned. According to the article, “The 2010 fishing season lasted only 10 days, but a year later, 114,741 fish came in from the

sea to spawn in the Sacramento River – nearly triple the number from two years before. And this year, fishery scientists expect 820,000 Chinook to swim up the Sacramento River and even more to head to the Klamath. Based on new studies about the state of California’s waterways, however, it might be too soon to celebrate. A certain amount of fluctuation in the annual salmon yield is natural, but some scientists think that the collapse in ‘08 and ‘09 was part of a more dramatic, and unpredictable, boom-and-bust cycle – and that the fishery could be in for more of the same. The problem, they say, stems from the fact so much of the catch – a full 90 percent – originates in state hatcheries.” [The article is written by Maria Finn for the Food and Environment Reporting Network.]

119. [Grist.org, August 14, 2012](#)

Pesticide-resistant insects add insult to drought injury

Monsanto’s GMO Bt corn seeds are engineered to produce the pesticide Bt to control corn rootworm. Minnesota Public Radio is reporting this GMO corn is now succumbing to the very insects it was designed to kill. The Environmental Protection Agency (EPA) is treating these latest reports seriously. According to the article, EPA officials have visited some “problem fields” to observe possible evidence of resistance while awaiting results from Monsanto’s own scientists. Bruce Potter of the University of Minnesota says, “We’re not going to make this go away ... We’re stuck with managing this problem.” Potter has seen what he calls a “ridiculous” increase in rootworms apparently unfazed by the Bt protein in the GMO seeds planted in southern and western Minnesota. Potter also spoke at a workshop held on a farm experiencing rootworm resistance, where he said that Monsanto Bt seeds are “basically backfiring.” Tom Laskawy writes, “For years sustainable agriculture advocates from Wes Jackson to Michael Pollan have decried farmers’ move to this corn monoculture, but not just for philosophical reasons. The danger of biotechnology and chemical-based agriculture as practiced today is the false sense of security it offers farmers. When you adopt Monsanto’s seeds and chemicals and ‘simplify’ your farming, it seems like you’ve solved all your problems. But what you’ve actually done is increased what finance-types call ‘tail risk,’ which means in essence that all your assumptions about the chances something bad will happen to you turn out to be wrong. And probability being what it is, you can go a long time without disaster striking and then, when it does, you find yourself totally screwed. Even so, it’s only taken about 15 years for GMO seeds to come onto the market, take it over, and then contribute to a crop failure like this one. Of course, the rise of superbugs and superweeds came as no surprise to many scientists – molecular biologist Margaret Mellon of the Union of Concerned Scientists was warning about the possibility of Bt-resistant bugs as early as 2001...” [The piece is written by Tom Laskawy, founder and executive director of the Food and Environment Reporting Network.]

120. [The American Prospect, September 11, 2012 \(September/October 2012 issue\)](#)

As Common as Dirt: In the fields of California, wage theft is how agribusiness is done.

According to the article, farm-labor contractors offer produce growers a ready workforce, but they also give growers the ability to distance themselves from the people picking the crops. Contractors control the money flow between farmer and worker as well as all the paperwork. They track hours worked, crops harvested, wages paid and essentially take responsibility for everything related to labor, including verifying immigration status and workers’ compensation. Contractors are on nearly every farm where crops are handpicked in the U.S., including on organic and conventional farms. Farm-labor contractors give American produce growers a way to outsource the work, often saving them money in the process and creating a barrier between the brand and the working conditions. Rob Williams, director of the Migrant Farmworker Justice Project of Florida Legal Services and a leading farm-labor advocate, says, “The contractor system makes it very difficult to enforce wage and hour laws because the idea is that the grower says, ‘It’s not me, it’s him. It’s the contractor. I had nothing to do with this.’” The number of American farms using contractors has nearly doubled since the early 1980s. While contracting has long been a dominant in states with weaker agricultural labor laws, such as Florida and Oregon, its use in California increased after President Ronald Reagan granted immigration amnesty in 1986. Growers could see the benefit of passing off responsibility to contractors for the workforce, whether to avoid paperwork,

union battles, or dealing with immigration agents. Today, more than half of all farms with employees in California rely on contractors. Labor-law enforcement in the fields is rare and has decreased with the rise of contracting. According to analysis of data from the Department of Labor by Oxfam and Farmworker Justice, federal investigations on farms dropped by 60% between 1986 and 2008. In 2008, inspectors visited 1,499 farms of the more than 2 million in operation nationwide. Contractors who behave appropriately by paying honest wages operate at a significant disadvantage compared to those who flout the law. When violations are found, they rarely cost growers much: the average fine for a violation of the Migrant and Seasonal Agricultural Worker Protection Act is \$342, with a ceiling of \$1,000. (Back wages, however, are frequently required in addition to the fine.) According to Mark Heller, a leading farmworker advocate from Ohio, across the country, penalties for underpaying workers are so minimal, and so unlikely to be imposed, that there's no deterrent effect. He says, "If you cheat 1,000 workers a week, you might have to pay \$4,000 to one person who complains but in the meantime you save \$100,000. It's cheaper to violate the law than to follow the law." [The article is written by Tracie McMillan for the Food and Environment Reporting Network.]

121. [Center for Investigative Reporting, September 17, 2012, and ABC News Tonight, September 30, 2012](#)

In summer, toxic blue-green algae blooms plague freshwater

Blue-green algae, or cyanobacteria, occurs naturally in lakes, typically at low concentrations that are not harmful nor visible. However, when levels of nutrients, particularly phosphorus, increase significantly in a body of water and combine with high temperatures and stagnant water, blue-green algae blooms on a large-scale. Under these conditions, cyanobacteria outpaces growth of other types of algae and coats the water with bright, sometimes iridescent, blooms of green or blue-green sludge. Every summer as temperatures rise, blooms of cyanobacteria develop in lakes and rivers across the country, "turning waters intense green and coating swaths of their surfaces with putrid-smelling blue-green algae that look like pea soup." The blooms occur in nearly every state, climaxing in August and September. Although no national agency tracks the blooms, experts say they are getting worse, driven by fertilizer and manure runoff into lakes and streams combined with a warming climate. [A version of this story called *Lake Invaders* appeared in a video segment on ABC News Tonight. The embedded video is linked at the end of the article; a link to ABC News Video is also provided. The article is written by Jessica Marshall for the Food and Environment Reporting Network.]

122. [The Nation, October 10, 2012](#)

Michelle Obama's Moves

In March 2010, Michelle Obama spoke at a meeting of the Grocery Manufacturers Association in Washington, D.C., and leveled a challenge at the biggest companies in the food industry. She said, "We need you all to step it up." In February 2010, she had launched the Let's Move campaign, the Obama administration's major anti-obesity program, aimed at reversing the childhood obesity epidemic by 2030. Since March 2010, "the administration's strategy appears to have shifted. Or perhaps its resolve has eroded, for it remained mute during a bitter fight to limit junk-food marketing to kids. It has also forged controversial – some say compromising – partnerships with food manufacturers." Marion Nestle, professor of nutrition, public health and food studies at New York University, says, "Looking back on it, it's enough to make you weep. So little has been able to be achieved." Many put the blame less on a lack of goodwill rather than the political realities of taking on a multibillion-dollar food industry, which has loads of lobbying money and supporters in Congress and no problem with "fanning the fears of government overreach when it perceives a threat to its interests." Nestle continues, "It's a real example of the power corporations have over American government and American life." According to the writer, it also raises fundamental questions about "whether the goals of public health and those of the food industry are at irreconcilable odds." The writer asks, "Should those who seek to address the obesity crisis treat food companies as collaborators or as adversaries?" [The article is written by Bridget Huber for the Food and Environment Reporting Network.]

123. [The Nation, November 28, 2012](#)

Fracking Our Food Supply

According to the article, fracking is polluting our water and food. Fracking is a process by which oil and gas companies drill “thousands of feet into ancient seabeds,” then repeatedly fracture (frack) these wells with “millions of gallons of highly pressurized, chemically laced water, which shatters the surrounding shale and releases fossil fuels.” Michelle Bamberger, an Ithaca veterinarian, and Robert Oswald, a professor of molecular medicine at Cornell’s College of Veterinary Medicine, have published the first peer-reviewed report suggesting a causal relationship between fracking and illness in food animals. The authors assembled case studies of twenty-four farmers in six shale-gas states whose livestock experienced neurological, reproductive, and acute gastrointestinal problems. Exposed either accidentally or incidentally to fracking chemicals in the air or water, many animals have died. While the death toll is relatively insignificant when measured against the nation’s livestock population (about 97 million beef cattle go to market each year), environmental advocates believe these animals constitute an early warning sign. Bamberger says exposed animals “are making their way into the food system, and it’s very worrisome to us. They live in areas that have tested positive for air, water and soil contamination. Some of these chemicals could appear in milk and meat products made from these animals.” Jacki Schilke’s story is an example. She is a rancher in North Dakota in the heart of the Bakken Shale. Schilke no longer shares or eats her Angus beef since fracking began on thirty-two oil and gas wells within three miles of her 160-acre ranch, and five of her cows dropped dead. Schilke herself is in poor health; she limps, has chronic pain in her lungs, and rashes that have lingered for a year. She has back pain linked with overworked kidneys, and she urinates a stream of blood some days. “Ambient air testing by a certified environmental consultant detected elevated levels of benzene, methane, chloroform, butane, propane, toluene and xylene – compounds associated with drilling and fracking, and also with cancers, birth defects and organ damage. Her well tested high for sulfates, chromium, chloride and strontium; her blood tested positive for acetone, plus the heavy metals arsenic (linked with skin lesions, cancers and cardiovascular disease) and germanium (linked with muscle weakness and skin rashes). Both she and her husband, who works in oilfield services, have recently lost crowns and fillings from their teeth; tooth loss is associated with radiation poisoning and high selenium levels, also found in the Schilkes’ water. State health and agriculture officials acknowledged Schilke’s air and water tests but told her she had nothing to worry about. Her doctors, however, diagnosed her with neurotoxic damage and constricted airways.” Schilke says, “I realized that this place is killing me and my cattle.” She began using inhalers and a nebulizer, uses bottled water, and stopped eating her own beef and the vegetables from her garden. She continues, “My health improved, but I thought, ‘Oh my God, what are we doing to this land?’” [The article is written by Elizabeth Royte for the Food and Environment Reporting Network.]

124. [Food and Environment Network and Public Radio International \(PRI\) The World, January 22, 2013](#)

Tuna’s Last Stand

In early January 2013, scientists release “jaw-dropping data” showing that Bluefin tuna in the North Pacific will soon be extinct. [The piece is written by Shannon Service for the Food and Environment Reporting Network. It includes an embedded radio report from PRI the World. The piece also includes a slideshow and chart of tuna overfishing in an under-patrolled area (due to a lack of available resources for island nations) in the Western and Central Pacific, and a link to the data.]

125. [San Francisco Chronicle, February 19, 2013](#)

Herring Return to Bay Area Waters (and Plates)

Almost four years ago, the herring fishery collapsed in the San Francisco Bay Area. According to Peter Fimrite of the San Francisco Chronicle, warm water and lack of food caused a catastrophic population decline, and forced the state to close the season in 2009. This year, however, the herring have returned to spawn. Bay Area restaurants are serving herring in a plethora of dishes. Local herring on menus is fairly new. For the past 30 years, it has been harvested primarily for its high-priced roe, with the rest made into

fertilizer and fish meal fed to pigs, chickens, pets, and farmed fish. Environmental scientists say that instead of feeding herring to farmed fish in the form of fish meal, we should eat them ourselves. Geoff Shester, a scientist for Oceana, says that eating herring, small fish that have short life spans and reproduce quickly, is more environmentally friendly than eating farmed fish or large fish that breed later in life, like swordfish and tuna. Shester says, “We’d be using more of the fish (not just the roe), and it would be a higher-value product, which ultimately would benefit our local herring fishermen.” [The article is written by Maria Finn for the Food and Environment Reporting Network.]

NEXTCOURSE

\$239,000 awarded since 2005, including \$50,000 in August 2006 for the *Food from the Parks Initiative (FPI)*, a collaboration with the Golden Gate National Recreation Area, The Parks Conservancy, and The Presidio Trust to (1) change the food service facilities within the Park so that they offer healthful, local, affordable, and sustainably produced food to park visitors; and (2) increase the percentage of the Park's \$7 to \$10 million in annual food purchases that will go to local farmers

126. [National Parks Magazine, Winter 2013](#)

The Sustainable Spread

The Golden Gate National parks’ eateries are serving more healthy, local, sustainable fare. The late superintendent of Golden Gate National Recreation Area, Brian O’Neill, was approached in 2003 by a funder [Columbia Foundation executive director Susan Clark] who criticized the disparity between the parks’ offering the best of nature but poor food. Through the *Food for the Parks* program, food-service has been revolutionized and the program has caused a ripple effect. The parks are sourcing from local farmers, and are producing less waste and more compost; food education is offered to students, and now other national parks around the country are catching on and looking to do the same. [The article quotes Larry Bain, former executive director of Nextcourse.]

ORGANIC SEED ALLIANCE

\$53,200 awarded since 2011, including \$30,000 in April 2012 for *Supporting the Development of Sustainable Seed Systems in Northern California*

127. [San Francisco Chronicle, August 29, 2012](#)

Limit engineered crops' spread, panel says

Sponsored by USDA, the Advisory Committee on Biotechnology and 21st Century Agriculture reaches a consensus that growers of genetically engineered crops should try to contain the spread of their genes to organic crops. However, the panel refused to set a threshold level for contamination and hold companies such as Monsanto, Dupont, and Syngenta responsible for contamination. Instead the panel may recommend taxpayer-subsidized crop insurance to encourage farmers to hem in the genes and compensate organic farmers upon contamination. Kristina Hubbard, director of advocacy for the Organic Seed Alliance, a nonprofit that opposes bio-engineered crops, faults the panel for not forcing responsibility for contamination on the seed companies, calling GMO crops a “living technology that doesn’t stay put.”

128. [Carrot Country, Winter 2012](#)

National Project to Improve Organic Production Systems Launched

The Organic Seed Alliance (OSA) launches the Carrot Improvement for Organic Agriculture, a four-year project in collaboration with organic farmers to develop organic carrots with “improved disease and nematode resistance, improved weed competitiveness and improved nutritional value and flavor.” The project has received federal funding, which is significant, according to OSA executive director Micaela Colley, as public research money has been slanted in favor of conventional farming for a long time, slowing research beneficial to organic growers. Colley says, “If you look at the market and the constituency, the percentage of public research dollars going to organic was not proportionate at all.” Colley also believes the project will create lost-lasting benefits by preparing a new generation of

professionals “with practical breeding skills and experience in the needs of the organic industry instead of just gene jockeys.”

129. [HobbyFarms.com, January 25, 2013](#)

California Gets Organic Seed Boost

California’s agricultural economy is the largest in the U.S. It is also the largest producer of vegetable seed, and has the most USDA-certified organic farms in the country. However, most seed used and produced in California is non-organic, or conventional, which is a problem for the state’s thousands of organic farmers. Organic Seed Alliance (OSA) is working to develop organic seeds in California and increase their prevalence “with support from the Columbia Foundation, the Gaia Fund, the California Wheat Commission, USDA Rural Development, and the USDA Organic Research and Education Initiative.” Jared Zystro, California research and education specialist for OSA, says, “At OSA, we focus on fostering healthy seed systems. Currently, because of challenges like restrictive intellectual-property arrangements, seed-industry concentrations, GMO contamination, and the loss of important genetic diversity, our seed systems are in danger. OSA is working from the ground up to help advance healthy seed systems through our research, education and advocacy.”

130. [The New York Times, March 2, 2013](#)

Look Carefully at Those Seeds

Margaret Roach, the author of The Backyard Parables: Lessons on Gardening, and Life, poses the question, “In our locavore-centric society, we increasingly ask where every bite of food came from. Since our food (or what our food was fed) comes from seeds, isn’t it time to ask where those all-important embryos, innocent or otherwise, come from, too?” [The piece quotes OSA senior scientist John Navazio.]

ROOTS OF CHANGE FUND (ROC FUND)

\$1,750,000 awarded since 2002, including \$150,000 awarded in April 2012 for the development of a statewide food-policy council and a media-messaging campaign to recognize and accelerate the emergence of new mainstream sustainable food-and-farming systems in California by the year 2030

131. [Everyday Heroes: 50 Americans Changing the World One Nonprofit at a Time, Welcome Books, 2012](#)

Michael Dimock

Michael Dimock writes, “Our core model for change is to change how people think because the way we think leads to the way we act. If we don’t think systemically about food, we won’t make the changes we need. Two big revolutions need to be underway. One is the way we think about systems and their linkage to everything else, and the other is how we economically structure food systems. This will be my life’s work. We’ve got to change it in my lifetime, or we’re in deep, deep trouble as a nation and a world. The United States is the leader in most areas of agricultural innovation. We have a huge infrastructure of universities and research dollars committed, and we have a great number of farmers who are very pioneering and entrepreneurial. We also have the strictest environmental regulations in the world. People look to the United States as the leader, and within the country, California is considered the epicenter of the sustainable food movement. So one of the fundamental principles behind ROC is that if we can change it here, we will impact the whole world.” [This is written by Michael Dimock, president of Roots of Change. It is an excerpt from the book, Everyday Heroes: 50 Americans Changing the World One Nonprofit at a Time, in which the 50 “heroes” write about their work.]

132. [Los Angeles Times, October 11, 2012](#)

The case for Prop. 37

[In the buildup to the vote on Prop 37 on the November 2012 ballot in California] Michael Dimock and Dan Imhoff write, “In America we hold a consumer’s power of choice at the checkout line nearly as sacred as that of a voter at the ballot box. In November, California voters will be asked to protect the

right of food buyers to make informed purchases. Passing Proposition 37 could change the future of food in this country. The initiative is rooted in a simple premise: Consumers have the right to know if their food is produced using genetic engineering, which manipulates DNA or transfers it from one organism to another. Any plant or animal food product with genes that have been engineered would be so labeled. This isn't a radical new idea. It's been standard practice in all member countries of the European Union for years. The latest published research shows that 61 countries have some form of mandatory labeling for foods containing genetically modified crop ingredients." [The op-ed is written by Michael Dimock, president of Roots of Change, and Dan Imhoff, author of Food Fight: The Citizen's Guide to the Next Food and Farm Bill.]

SAN FRANCISCO PLANNING AND URBAN RESEARCH ASSOCIATION (SPUR)

\$163,000 awarded since 1977, including \$35,000 in April 2012 for the new *Food Systems and Urban Agriculture Program* to expand San Francisco's support for the sustainability of the urban food system and regional foodshed, and to secure policy change at both the urban and regional level through research, public engagement, and advocacy

133. [San Francisco Bay Guardian, August 21, 2012](#)

Farmville, for real

An April 2012 SPUR report states that urban agriculture connects people "to the broader food system, offers open space and recreation, provides hands-on education, presents new and untested business opportunities, and builds community." According to the report, San Francisco had "nearly 100 gardens and farms on both public and private land (not including school gardens)," two dozen of which started in the past four years. However, the demand for those hoping to build urban gardens is even greater. Eli Zigas, SPUR food program and urban agriculture manager, says, "The last time waiting lists were surveyed, there were over 550 people waiting. That likely underrepresents demand because some people who are interested haven't put their name down." Changes in zoning last year allowing for the development of urban gardens, and the recent ordinance to create the Urban Agriculture Program, show a measure of city support for urban farming and gardening. Zigas continues, "We have one of the most permissive zoning codes for urban agriculture that I know of in the country." Community gardens and farms less than one acre in size are welcome anywhere in the city, and that projects on larger plots of land are allowed in certain non-residential districts. More recent legislation is meant to streamline the process of starting to grow food in the city. According to the article, applying to use empty public land for a garden can be a difficult process, and every public agency has a different approach. A new Urban Agriculture Program would coordinate efforts. Zigas says, "The idea is to create a new program that will serve as the main point of entry. Whether it will be managed by existing agency or nonprofit is to be determined." The plan is to be implemented by January 1, 2014. But, with some urban farms closing, there remains concern that enough new land will be available and that developers hold too much sway. However, Kevin Bayuk, an instructor at the Urban Permaculture Institute, says, "I think the urban agriculture movement is still growing and burgeoning in the grassroots sense. And I think some of the grassroots growth is reflected in the policy and code changes. I'm optimistic for the idea of people putting land into productive use to meet human needs and be a benefit to all life."

TEDDY BEAR FILMS

\$25,000 awarded since 2010, including \$15,000 in February 2012 for *Bitter Seeds*, a feature documentary film by Micha Peled, which explores the connection between genetically modified seeds and the crisis of farmers in developing countries, particularly in India where there is an epidemic of farmer suicides

134. [San Francisco Chronicle, October 3, 2012](#)

'Bitter Seeds' probes suicides in India

The release of the documentary film *Bitter Seeds* completes an "intriguing" trilogy about globalization by San Francisco filmmaker Micha X. Peled. The first film, *Store Wars: When Walmart Comes to Town*, an

exposé of Walmart's effect on local American communities, was released in 2001. The second film, *China Blue*, a film about sweatshops in China, was released in 2007. In *Bitter Seeds*, Peled has capped the trilogy by examining the rash of suicides among farmers in India, and how it's tied to the international agrichemical company Monsanto. Peled says, "Thematically, they're very nicely connected. The first was about us – the American consumers. The second was about how the cheap goods that we buy get made, and the third is about the raw materials – the farmers who grow the cotton that gets exported to China's factories to make the jeans that we buy." According to the writer, in *Bitter Seeds*, "Peled found that in India, a farmer reportedly kills himself every 30 minutes because of a vicious circle, in which Monsanto has taken over the seed market with a genetically modified seed with hybrid technology that produces high yields but cannot renew itself. Thus farmers have to buy new seed for the next planting season, but can't afford it, so they borrow from loan sharks. Confronted with mounting debt and family shame, many kill themselves." Peled says, "I'm just a dumb filmmaker. I don't have all the answers. But I wanted American viewers to spend a little time living with the experience of what it's like for other people in other parts of the world to deal with what globalization brought them mostly as a result of what our multinational conglomerates are able to do. Hey, we like the cheap prices of shirts, and like the fact that the price of cotton is low. We're benefiting from it, but what does that mean for the millions of other people?"

135. [\(The\) HuffingtonPost.com, November 29, 2012](#)

Brilliant Documentary Bitter Seeds Illuminates Plight of the Indian Farmer

Review of *Bitter Seeds*; the writer says, "...riveting and poignant... *Bitter Seeds* and films like *Food, Inc.* show us how little we all know about genetically modified seeds (GMOs). *Bitter Seeds* has won 18 international awards. It is a film that will never leave you. There are social, environmental, health and economic questions being asked and answered in films like *Bitter Seeds*. We need to find solutions, as a community, as a nation and as a planet."

136. [TeddyBearFilms.com, January 2013](#)

Farmers' Reactions to BITTER SEEDS: The Film Tours India's Villages

[This chronicles filmmaker Micha Peled's tour of Indian villages with the film *Bitter Seeds*. The website includes photographs and links to Indian newspaper articles about the tour.]

XERCES SOCIETY

\$210,000 awarded since 2007, including \$30,000 in May 2011 for *Restoring Biodiversity in California's Agricultural Landscapes*

137. [The Star Tribune \(Minnesota\), November 24, 2012](#)

Those bugs 'are going to outsmart us'

Fifteen years ago, Monsanto promised its genetically engineered seeds would reduce the amount of pesticides used on American farmland, but today the GMO seeds are forcing farmers to use more (and more toxic) chemicals to protect their crops. According to the article, just as some bacteria have become resistant to antibiotic drugs, a growing number of superweeds and superbugs on American farms are proving invulnerable to the "tons of pesticides that go hand in hand with genetically modified seeds." The increased use of pesticides is disturbing many scientists and environmentalists about their effect on the North American prairie ecosystem, which survives amidst the vast "green deserts" of row crops that now expand across the Upper Midwest. Eric Mader, an ecologist with Xerces Society, says, "There are now 80 million acres of treated corn. That's a huge volume of pesticides applied for one crop." To combat the growing wave of resistant weeds and bugs, Monsanto and Dow Chemical Company are poised to launch "a whole new arsenal of genetically modified seeds that will accelerate the chemical warfare." The new GMO seeds are designed for use with older, more toxic herbicides that scientists say pose an even greater risk to the environment and human health. Monsanto plans to release dicamba resistant corn while Dow has plans for its "Agent Orange" corn. Charles Benbrook, a researcher at

Washington State University, says, “It makes about as much sense as pouring gas on a fire to put it out. It is going to lead to the exact same problem and a substantial increase in much less benign herbicides.” In addition, many scientists say the evolution in farming and the widespread use of Roundup [glyphosate pesticide] already has contributed to the degradation of the prairie and many of its species, including milkweed, bees, and butterflies. According to Mace Vaughan, a pollinator conservation specialist with Xerces Society, the prospect of widespread use of even more toxic herbicides is alarming. Vaughan says, “We’re going back 20 years, and that scares me.”

Other

CENTER FOR CITIZEN INITIATIVES

\$41,000 awarded between 1987 and 1993 for the Center’s citizen exchanges between the U.S. and (the former) U.S.S.R.

138. [\(The\) HuffingtonPost.com, October 17, 2012](#)

When the People Lead, Leaders Will Follow

Review of Sharon Tennison’s book The Power of Impossible Ideas; the writer says, “In...her book about helping to end the Cold War and to build a better Russia, Sharon Tennison tells one of the great hidden stories of our age. She naturally focuses on her own organization, now called the Center for Citizen Initiatives. Her book is one of the big untold stories of the late Twentieth Century, and citizen diplomacy in its many forms has implications for some of our present troubles. As she writes, ‘the world desperately needs citizen diplomacy to the Middle East and other trouble spots around the globe.’”

NEW ECONOMICS INSTITUTE (NEI)

\$35,000 awarded in April 2010 for the New Economics Institute (NEI), a joint project of the E. F. Schumacher Society (which has transitioned to become the NEI) and the New Economic Foundation (nef) of London to bring critical but isolated strands of knowledge together to integrate sustainability principles into the economics mainstream in the U.S., and to promote the transition from our current economic system to one that is sustainable, just and responsible to community and ecologies of place

139. [Yes! Magazine, September 19, 2012](#)

Manifesto for a Post-Growth Economy

James Speth writes, “It is time for America to move to a post-growth society, where working life, the natural environment, our communities and families, and the public sector are no longer sacrificed for the sake of mere GDP growth; where the illusory promises of ever-more growth no longer provide an excuse for neglecting our country’s compelling social needs; and where true citizen democracy is no longer held hostage to the growth imperative.” [The piece is written by James Gustave Speth, a board member of New Economics Institute. It is an adapted excerpt from his new book America the Possible: Manifesto for a New Economy.]

Columbia Foundation Advisors, Consultants and Staff

CLAIRE CUMMINGS

Food and farming program advisor

140. [Journal of the Earth, Fall 2012](#)

TRESPASS: Genetic Engineering as the Final Conquest

Claire Cummings writes, “If science were free to operate in the public interest, it could provide the intellectual framework for innovations that work with nature, instead of against it. There already are technologies that use natural solutions to heal the wounds of the industrial age, formulate sustainable food production and energy solutions, create new economic opportunities through the imaginative use of ecological design, and build local self-reliant communities that foster both cultural and biological survival. So we do have a choice of technologies, and nature remains abundantly generous with us. What we do not have, given the perilous environmental state of the planet, is a lot of time left to sort this out. And as long as the critics are silenced, we can be lulled by the ‘certain promises’ of genetic engineering, that it will provide magic answers to those age-old problems of hunger and disease, and in doing so, be diverted from attending to its ‘uncertain perils.’” [Cummings chronicles the history of the development of GMOs, as well environmental, public health and ethical concerns regarding GMOs, and features fellow Columbia Foundation food and farming advisor Ignacio Chapela.]

DESMOND JOLLY

Food and farming program advisor

141. [The Davis Enterprise, February 17, 2013](#)

‘Lincoln’ illuminates our history even as it obscures it

Desmond Jolly writes, “Americans are a forward-looking people. Having chosen or been forcibly dislodged from their moorings, they can seem to float like flotsam on the sea of history, trusting optimistically that the direction of movement is forward. The risk, however, is that with such little knowledge of starting points, we find ourselves moving in circles, albeit in circles that may be wider in circumference. The movie *Lincoln* uses the political maneuvering to pass the 13th Amendment to create an engaging drama with President Abraham Lincoln at its center. After seeing the movie, a colleague remarked that ‘it is a good projection of the myth of Lincoln.’ And, upon reflection, we had to agree that, in the main, it did not present a nuanced picture of Lincoln, and in doing so, does not fundamentally undermine Americans’ aversion to history, particularly our own. We gravitate more to myth and romance captured in a few master narratives that serve as proxies for historical knowledge.”

IGNACIO CHAPELA

Food and farming program advisor

142. [Counterpunch, January 18, 2012](#)

BASF Sees the Light – GMO’s Move Out

Ignacio Chapela writes, “This week BASF announced that it is moving its GMOs out of Europe. Will the English-speaking media lose its nerve and write about it? Based on past experience, my wager goes to the habitual policy of silence, and I expect that the news will continue all but unrecorded in English. Most of us will not celebrate as we should. Clearly put: one of the largest among the few who banked on the GMO route to do agriculture is giving up in its own home turf, defeated by public opposition to its products which evidently do not live up to expectations. I say that the future holds very little promise for GMOs altogether, and BASF is only the first to have the capacity to recognize the thirty years of bad investments. The reasons for the failure of BASF’s products in Europe are many and very diverse, but the fundamental truth stands that over the decades no real benefit has offset the proven harm caused by

GMOs. We are left in desolate America, though, land of government by Monsanto, where BASF is relocating its GMO headquarters (some specialty technical BASF outfits remain in Ghent and Berlin). In the North it is impossible to know where the nearest non-GMO plant may be, while in the South and in Mexico the tragedy of GMO soy- and corn-agriculture continues apace, driven by corrupt or willfully ignorant governments and against public opinion much stronger and much more vocal than what we have seen in Europe. Far from recognizing the failure of GMOs altogether, something that should have happened at least a decade ago, BASF identifies the opportunities offered by the brutal realities of the Third World, opportunities which are better capitalized with the centralization, mechanization and property-rights enforcement possible only through GMOs. As we celebrate the lifting of perhaps one third of the pressure upon Europe to give in to GMOs, let's not forget those places where they will continue to be used as the effective spear-head of corporate biological mining of other lands. [BASF is the largest chemical company in the world.]

143. [The Business Beat on WICN, January 22, 2012](#)

Dr. Ignacio Chapela (Encore)

According to the report, "The loss of biodiversity is at the center of a heated global debate. At issue, are the economic and social consequences of biodiversity loss and its connections to technology policy. In an encore episode of *The Business Beat*, originally aired in August 2011, Steve D'Agostino interviews Dr. Ignacio Chapela, PhD. They talk about reshaping the food system by eliminating genetically modified organisms."

144. [Al Jazeera, December 14, 2012](#)

Will Monsanto destroy Mexico's corn?

The writer says, "Corn has been carefully tended in Mexico for eight millennia and environmental conservationists report that thousands of peasant varieties are still grown throughout the country. With an estimated 75 per cent of the planet's biodiversity vanished as of 1995, Mexico's heterogeneous corn fields are a rare vestige of the age prior to the 'Green Revolution' era that is responsible for the artificially and unhealthily homogenous industrial agriculture that is prevalent now. Introducing GE corn to Mexico would sound the death knell for this precious ecology as it is widely agreed that GE crops cannot co-exist with conventionally bred seeds." [The op-ed cites Ignacio Chapela's research in Mexico, where he discovered in 2001 that Mexican maize was contaminated by strains of GMO corn.]

SUSAN CLARK

Executive Director

145. [The New York Times, October 2, 2012](#)

That Flawed Stanford Study

[New York Times food columnist] Mark Bittman writes, "I tried to ignore the month-old 'Stanford study.' I really did. It made so little sense that I thought it would have little impact. That was dumb of me, and I'm sorry. The study, which suggested – incredibly – that there is no 'strong evidence that organic foods are significantly more nutritious than conventional foods,' caused as great an uproar as anything that has happened, food-wise, this year. That's because headlines (and, of course, tweets) matter. The Stanford study was not only an exercise in misdirection, it was a headline generator. By providing 'useful' and 'counterintuitive' information about organic food, it played right into the hands of the news hungry while conveniently obscuring important features of organic agriculture. In fact, the Stanford study – actually a meta-study, an analysis of more than 200 existing studies – does say that 'consumption of organic foods may reduce exposure to pesticide residues and antibiotic-resistant bacteria.' Since that's largely why people eat organic foods, what's the big deal? Especially if we refer to common definitions of 'nutritious' and point out that, in general, nutritious food promotes health and good condition. How can something that reduces your exposure to pesticides and antibiotic-resistant bacteria not be 'more nutritious' than food that doesn't? Because the study narrowly defines 'nutritious'

as containing more vitamins. Dr. Dena Bravata, the study's senior author, conceded that there are other reasons why people opt for organic (the aforementioned pesticides and bacteria chief among them) but said that if the decision between buying organic or conventional food were based on nutrients, "there is not robust evidence to choose one or the other." By which standard you can claim that, based on nutrients, Frosted Flakes are a better choice than an apple. But they're not. And overlooking these key factors allows the authors to imply that there isn't 'robust' evidence to choose organic food over conventional. (Which for many people there is.) Under the convenient cover of helping consumers make informed choices, the study constructed a set of criteria that would easily allow them to cut 'organic' down to size. Usually these 'revelations' are of little more than passing interest, but they can sometimes be downright destructive." Susan Clark, executive director of Columbia Foundation, says, "The researchers started with a narrow set of assumptions and arrived at entirely predictable conclusions. Stanford should be ashamed of the lack of expertise about food and farming among the researchers, a low level of academic rigor in the study, its biased conclusions, and lack of transparency about the industry ties of the major researchers on the study. Normally we busy people would simply ignore another useless academic study, but this study was so aggressively spun by the PR masters that it requires a response." Bittman continues, "That the authors of the study chose to focus on a trivial aspect of the organic versus conventional comparison is regrettable. That they published a study that would so obviously be construed as a blanket knock against organic agriculture is willfully misleading and dangerous. That so many leading news agencies fall for this stuff is scary. Clark is right: this junk science deserves a response. Ignoring it isn't enough. I apologize."

ANN EVANS

Former food and farming program consultant

146. [The Sacramento Bee, October 9, 2012](#)

Consultants want to find niche market for California agriculture: State's schools

Consultant partners Ann Evans, co-founder of the Davis Farmers' Market and former Mayor of Davis, and Georgeanne Brennan, a James Beard award-winner, are working to get fresh California-grown fruit vegetables into schools in the state. Evans says, "We work with school districts ... interested in serving more fresh food and locally sourced food. ... We can do policy and we can do programs, but one of the things we can also do is help them source the food, find farmers." Evans says, for instance, that Los Angeles schools serve approximately 500,000 meals a day, so if they put a California fruit or vegetable on their menu, it would be a hugely beneficial for state farmers. The two consultants are playing "a critical role in developing a farm-to-school program for all five districts in Yolo County, where John Young is the state's only county agricultural commissioner leading such an effort." According to the article, Yolo County will receive a \$400,000 grant from the California Department of Food and Agriculture to find ways to increase school purchases of fruits, nuts, and other specialty crops.

147. [San Francisco Chronicle, January 18, 2013](#)

Davis Farmers' Market helped movement grow

UC students and aspiring farmers founded the Davis Farmers' Market in 1976, one of the only farmers' markets in the state. The group of young agriculture activists wanted a better connection to the farms that surrounded Davis. Market co-founder and former Davis Mayor Ann Evans went to work with first-term Governor Jerry Brown to loosen regulations so that farmers could sell directly to consumers, which "in essence launched the modern farmers' market movement." Evans says, "It wasn't just limited to the one market. It went on to reverberate, and many of us went on to make a difference statewide." Along with Ann Evans, Annie and Jeff Main were UC Davis students when they got involved with the activists that formed the Davis Food Co-op and volunteered to help start the farmers' market. Soon after graduation, the Mains and two other couples started an organic farm in Woodland, called the Good Humus Farm. Annie Main says, "It's the '70s, you were in college, you wanted to change the world, and the world was changing at that time dramatically. I remember going around Yolo County knocking on farmers' doors,

asking if they wanted to be part of it.” Annie Main, along with several other original farmers, still sells at the Davis Farmers’ Market each Saturday. She sees today’s locavore movement as a continuation of what she and fellow Davis students were enthusiastic about in the 1970s. She continues, “It’s all been building on the changes that started then.” [Good Humus Farm is supported through *One Farm at a Time*, a project of Twin Pines Cooperative Foundation supported by Columbia Foundation, which involves farmers and the community working together to raise funds to ensure that Good Humus will be preserved as organic farmland in perpetuity and cared for by family farmers after the current owners retire.]

MAS MASUMOTO

Food and farming program advisor

148. [The Sacramento Bee, August 26, 2012](#)

Rhythms of rural life should be part of school calendar

Mas Masumoto writes, “I advocate for a sense of place to be part of the new standards of education, especially in rural areas where schools play a fundamental role in framing lives. We lose something when schools are disconnected from where families live and work. I do not advocate for children returning to the fields, but I do hope rural rhythms are part of a school calendar. A Valley farm community should feel and function differently than a big-city school district. It’s foolish to want the start of school delayed according to the crops. But I believe in a placed education: the structure of public education remains in and with the local community. It’s a personal linkage that does incorporate the uniqueness of where our youths are educated. Especially in rural areas, place should make a difference. I advocate for a sense of place to be part of the new standards of education, especially in rural areas where schools play a fundamental role in framing lives.”

149. [The Sacramento Bee, October 28, 2012](#)

Viewpoints: ‘Lunch ladies’ are on the front lines of teaching children good nutrition

Mas Masumoto writes, “I want to honor the hands that feed our kids, especially those hands that prepare school meals. At many California schools, there’s a return to the ritual of preparing and cooking. It’s a quiet revolution that began years ago with the banning of junk food and sodas. Schools now work to serve something real instead of processed or prepackaged, hoping to revive the tradition of preparing meals for our children. And it’s making our children healthy.”

150. [The Sacramento Bee, February 10, 2013](#)

Viewpoints: In immigration debate, labels demonize and dehumanize

Mas Masumoto writes, “I want to see the faces behind the national debate on immigration reform. I want to hear the voices of those who are dramatically affected by the talk of others. I want to feel the hands and acknowledge the strong backs of those who work in the darkness of our nation’s fields, hotels, restaurants and construction sites. The national immigration debate lacks compassion as we struggle defining the character of these millions. How we label ‘them’ will determine if they belong here and are part of America. Aliens. Illegals. So long as we limit our language to these terms, we deny the humanity of millions. Undocumented. Unauthorized. Pick your terms wisely, your decision will determine how you frame the debate. I want to impose a history on the immigration debate, one that defines immigrants as people. Typically, politics has a way of dehumanizing immigrants. I can hear the slogans of the past. A nativist movement in the 1850s targeted German and Irish Catholics, calling these new immigrants ‘white Negros,’ depicting them as subhuman. ‘Yellow Peril’ was used by the Hearst newspapers to drum up anti-Asian immigration policies in the early 1900s. Zoot suit riots in the 1940s pitted whites against Mexican Americans in Los Angeles and claims that Chicano youths were overly flamboyant and disloyal to wartime sacrifices – clothes defined who was a patriot and American. What’s missing are the real voices of those most affected: the immigrants. Their real experiences are buried behind the term aliens. How can they come forward and step into the light when already defined as illegal? We can humanize the debate with personal stories and a historical perspective. The public has too often demonized

immigrants, stripped them of voices, pushing them into the shadows. What do immigrants want? I believe they simply want to belong. But they can't control the language that defines them. So how do 'we' label 'them'? By claiming they are unauthorized immigrants levels the playing field. It properly reframes the debate: this is a question about granting the authority to reform immigration policies. The process of becoming American is never easy. That's why we value it so much. I hope we recognize this is not like a trade tariff debate nor is it a judgment of moral character. We are talking about humans and the immigrant experience that the vast majority of us carry in the baggage of our own family histories. This all explains precisely why this is so emotional. And why the language of poetry belongs in this debate. [The piece includes poems by Juan Felipe Herrera, professor at UC Riverside, California Poet Laureate; David Dominguez, faculty, Reedley College; Marisol Baca, faculty, Fresno City College.]



Foundation launched in 1940 by Haas siblings to close

Thursday, October 18, 2012

The Columbia Foundation — whose recent grantees include the Contemporary Jewish Museum, Congregation Emanu-El, the New Israel Fund and the San Francisco Jewish Film Festival — announced this week that it will cease operations by the end of 2013 and split into three separate foundations.

Columbia is one of the earliest family foundations in the Bay Area, and the oldest of the extended Haas family foundations. Since its inception in 1940, it has granted approximately \$85 million, much of it to the arts and human rights causes.

Madeleine (Haas) Russell and her brother, William Haas, founded Columbia when she was 25 and he 24. William Haas died three years later, leaving Russell to lead the foundation until her death in 1999.

Some of the Columbia Foundation's first grants in the 1940s were seen as cutting-edge, such as helping provide birth-control education and supplies to migrant women. The foundation also supported the college education of Japanese-American youth from the internment camps during World War II.

According to a spokesperson for the foundation, the foundation is closing because Russell's three children, who comprise the board of trustees, would rather continue their philanthropy through three separate foundations. The assets will be divided among family foundations headed by Alice Russell-Shapiro, Charles Russell and Christine Russell.

"My sister, brother and I have well-developed philanthropic interests that have complemented one another throughout our 35 years on the board," Alice Russell-Shapiro said in a press release. "This transition will allow us to focus on each of our interests, and to involve our children, as our mother always hoped. Together with the next generation, our family's tradition of philanthropy will continue."

According to a spokesperson, Columbia gave \$1 million to San Francisco's Congregation Emanu-El in 1999, to endow the Madeleine Haas Russell Institute of Jewish Learning, and \$330,000 to the Contemporary Jewish Museum since 2006. Over the years, it gave \$1.9 million to Brandeis University, \$722,000 to American Friends of Hebrew University and \$275,000 to Hand in Hand: Center for Jewish-Arab Education in Israel, according to the spokesperson. A list of Columbia Foundation grantees can be seen at <http://www.columbia.org>.



Columbia, a Haas Family Foundation, closes

By Renée Frojo, October 18, 2012

After 72 years, the first of the extended Haas Family Foundations, the Columbia Foundation, is closing its doors.

Founded by Madeleine Haas Russell and her brother William Haas, Columbia was one of the earliest foundations in the Bay Area and has given approximately \$85 million in charitable grants since 1940.

Columbia is known for funding a number under-supported causes, such as birth-control education in the 1940's and college education for Japanese-American youth from internment camps during World War II. The foundation also gave the first start-up grant to the San Francisco Foundation in 1948.

"Columbia Foundation has been ahead of its time," said Evan Wolfson, founder and president of Freedom to Marry, a Columbia grantee. "Its approach to giving is an early model of venture philanthropy – zeroing in on cutting-edge causes, providing grantees with seed funding to help get them off the ground, and repeated grants to build capacity or develop a field."

The foundation's \$72 million in assets will be distributed to three successor family foundations run by Madeleine Russell's children.

Columbia will officially cease operations December 2013. All remaining Columbia grants will be awarded by the end of the fiscal year in May.

EXEUNT

Mare Rider at Arcola Theatre

22nd January - 16th February 2013

Reviewed by Alice Saville



Creatures of myth. Photo: Simon Annand.

In Anatolia there is a tradition that friends and family sit up with a new mother and baby for three days and three nights, a time when they are held to be particularly vulnerable to evil and supernatural forces; Leyla Nazli's play centres on a modern woman untraditionally parted from her new baby and family, bed-bound alone, visited by the sinister Mare Rider. Past and present, real and imaginary are lined up alongside each other like so many hospital beds, in a brilliant look at the dark spirits that still shade cradles, however much we try to dispel them.

In a deserted night time ward, Elka, the Mare Rider (Kathryn Hunter), a grizzled Ancient Mariner of a woman, locks the convalescent Selma (Anna Francolini) into her narrative of grinding, fairytale misery; in punishment for riding her uncle's black mare, she was forced

into marriage with her ugly cousin, bodily tied into a cycle of domestic torture and drudgery. Elka's freedom and escape comes at the expense of other women's happiness, as she travels by night, killing mothers and babies; Selma's freedom is similarly linked to the sabotage of maternal ambitions, her ability to choose independence and a career counterbalanced by her aloneness as an older parent in an unfamiliar hospital. Subtle, though, this play is no manifesto for traditional values, with Elka's arguments all-persuasive in the dark night, hissing out Selma's fears, but still undermined by her very physical presence, by the past-bound medieval horrors that she represents.

Kathryn Hunter's performance is a force of nature in the most literal sense, whipping up bedsheets in a hurricane of weedy vigour, dishevelled the white hospital world like a dark, creeping stain – slight, she still exerts physical threat, her rasping voice addictively mesmerising.

Breaking up the emotional push-and-pull of Selma and Elka's interactions, the real, but less real appearances of Hara Yannas's beautifully judged nurse Claire evoke a different kind of pragmatism, the hospital need to keep the peace, to contain nature behind curtains and stifle anguish with sedation; her superficial 'niceness' is ruthlessly undermined by lines that reveal her own self-interest, her need to get through a long night shift hour by hour. In her hands, the hospital becomes a machine to keep families apart, Selma's husband (Matthew Flynn) kept at agonising distance by a series of carefully engineered missed opportunities. Immaculately structured shifts of perspective and tone make this a slippery piece, intense confrontations interspersed with mundane routine and ill-advised flirtation. Although bleak, the mood is complicated by switching sympathies and elided certainties, by bold political statements left to hang in the air unchallenged – the maternity ward is a small compass for themes that beg to be teased out further.

Call the Midwife dramatises in cheery polychrome the cultural shift from home birth to hospital; *Mare Rider* offers a more pessimistic approach to the pathologisation of pregnancy and its aftermath, revealing the darkest hue of fairytale creature lingering in the emotional spaces that doctors can't reach. Couched in myth, whimsy squats darkly at the heart of this play; her magic has all the comfort of Smarties offered in place of anaesthetic.

theguardian

Mare Rider – review

Arcola, London



By Andrew Dickson

Monday, January 28, 2013



Ambitious ... (from left) Anna Francolini as Selma and Kathryn Hunter as Elka in *Mare Rider*

Leyla Nazli's first play, [2007's Silver Birch House](#), attempted to cram a good chunk of 20th-century Turkish history into a realist family drama. Her new work is both more troubling and more mysterious, a brief but ambitious exploration of the terrors and perils of childbirth. It centres on the Mare Rider, who, according to Turkish mythology, arrives just as a mother is giving birth: a vengeful apparition who spirits the baby away, leaving only sorrow behind.

The play begins around a maternity bed in a London hospital, where Selma (Anna Francolini) is in recovery. Something has clearly gone awry, though it is unclear what, when there is the sound of a horse and Elka, the Mare Rider, appears. It isn't long before she and the play whirl us away to wild, folkloric territory: into the depths of time as Elka recounts her own oppressive marriage and her transformation into a rebellious outcast, across the dark territory of dream, nightmare and post-natal trauma. All the time, the question of what has befallen Selma and her child is left hanging in the air.

Shuttling between reality and flamboyant myth, touching on everything from the [legend of Lady Godiva](#) to the history of coffee, Nazli's enigmatic tale sometimes struggles to stay on track. But it is redeemed by a chameleonic performance by Kathryn Hunter as Elka: a caustic creation with a tangle of inky locks and a mud-spattered black coat, both undead and scandalously alive, who seems simultaneously to be channelling the Jungian unconscious and [Lemmy from Motörhead](#).

"You didn't think I'd find you here, did you?", she coos in a tobacco-stained voice, sounding like a Turkish Garbo, before spinning around the bed and fixing herself limpet-like to Selma's back. It isn't long before the two are on a bareback galloping through the forest, although all the while we suspect that such freedom comes at a price.

Yet when Hunter is off stage – or hiding beneath a blanket from Hara Yannas's bored, estuary-accented nurse – the weaknesses of the piece show through, not assisted by Mehmet Ergen's direction, which struggles to manage the transitions between contemporary London and the imagined mountains of Anatolia. If its imagery is often suggestively poetic, its analysis of 21st-century experience feels prosaic ("All the things a modern woman wants," says Elka. "I think it is selfish"), and the most interesting relationship, between Selma and her grief-worn, hollow-eyed husband Mark (Matthew Flynn), is underexplored. Despite ranging so widely and courageously, the play leaves you craving more.

Mare Rider, Arcola - review

An intense and unsettling play that confirms Leyla Nazli as a writer to track

By Fiona Mountford

28 January 2013



Haunting presence: Selma (Anna Francolini) with Turkish mythological figure Elka (Kathryn Hunter)

It's an art matching running time to subject matter. Leyla Nazli's dense, mythologically allusive new chamber piece, about a woman suffering from delusions after childbirth, is only 60 minutes long but this turns out to be the optimum duration for such an intense and unsettling play. An episode of *Call the Midwife* it most definitively is not.

Selma (Anna Francolini) has just given birth in Homerton Hospital, Hackney, efficiently conveyed in Matthew Wright's stark design of a ward with just one bed. Ranged in steep facing banks of seating, we look on uncomfortably as Selma pleads frantically to see her baby. Of the child there is no sign but there is Elka (Kathryn Hunter), a ragbag little figure with mad, black hair.

In Turkish mythology, Elka haunts new mothers and it looks as though she's here to give poor Selma a hard time too. Elka has come, she insists, "to tell my story" and it turns out to be a sorry one, of a rebellious girl who loved to do the things that women weren't allowed to, such as ride horses. Forced marriage to a brute ensued.

What's unclear is why Elka has decided to tell her tale to this particular woman now. Is Selma Turkish? Frustratingly, Nazli supplies only a passing reference to an absent family but compensates by slyly counterbalancing Elka's wretched lot with the strains faced by modern career women who leave it late to give birth.

The superb Francolini conveys a wonderfully strained integrity and listens attentively — no mean feat — to Elka's lengthy speeches. Hunter, an actor who charms other critics more than she does me, gives her usual mercurial performance.

There's strong support from Matthew Flynn as Selma's beleaguered husband and there's a hushed quality of stillness to Mehmet Ergen's production. I preferred Nazli's 2007 debut play at the Arcola — but this confirms that she is a talent to track.

Until Feb 16 (020 7503 1646, arcolatheatre.com)



28 January 2013, By Amardeep Sohi

Mare Rider

Venue: [Arcola](#)

WOS Rating: ★★★★★

Myth and reality meet in the maternity ward of Homerton Hospital in [Leyla Nazli](#)'s latest play at the Arcola. Elka, a dark, haunting figure from Turkish mythology visits the emotional and disorientated Selma, who has just given birth. Nazli skilfully brings the two women together to examine modern life and the changing facets of the feminist movement.

Divided by a thick, white strip and hospital bed, the audience watch on as the witch-like Elka, (played by [Kathryn Hunter](#)) visits Selma ([Anna Francolini](#)). A mythical figure renowned for stealing babies, Elka has been present in both Selma's childhood and nightmares. As she recounts her own fight for freedom, (she was only free to live out her dreams at night), Elka draws out Selma's inner turmoil at waiting twenty years to start a family, and her struggles with modern life. A debate about feminism ensues in which Elka blames the "many choices" that modern women possess for Selma's current state. Elka and Selma are two women, separated by time (and reality), who are joined by a communal journey defined by freedom and choice.

Hunter's performance as the thick-skinned Elka, who teases, challenges and mothers Selma is memorable. She perfectly embodies the knowing enchantress, who, dressed in black, prances around Selma's bed, before hanging from it like a gargoyle. Anna Francolini conveys Selma's torment with emotional intelligence. The pair are supported by [Matthew Flynn](#) and [Hara Yannas](#) as Selma's husband and nurse respectively, who add a new dimension to the play, by thrusting Selma's delicate relationship with her husband into the spotlight.

Under the direction of [Mehmet Ergen](#), the production is majestic and moving. He expertly sets an even pace for the constantly changing dynamic between the women. Nazli's talent lies in drawing together these contrasting versions of feminism, with simplicity and style.

At 65 minutes, *Mare Rider* is just long enough to cast a moving eye over the feminist debate, without being weighed down by it. And the combination of myth and reality seems the perfect backdrop for a debate that continually asks: can we have it all?



Mare Rider



Thu Jan 31 2013, By Bella Todd

Leyla Nazli's enigmatic new play is a bedtime story with a difference. The listener is Selma, a woman trapped in a Hackney hospital bed after a traumatic labour. And the teller is Elka, a nightmarish character from Turkish mythology who rides bareback across continents and centuries to spirit away babies at their birth.

It's a part that could have been written for Kathryn Hunter, who arrives in designer Matthew Wright's sterile white ward room as the sound of a monitored heartbeat melds in to hoof thuds. With a blood-spattered black cloak, a thunder cloud of matted hair and a voice as fertile and fetid as earth, her Elka is both alarming and comforting, wild and conspiratorial, pungently female and proudly unfeminine. At one point she throws herself into a fierce, spatchcocked dance that's a pure distillation of Hunter's uninhibited art.

Elka is also reminiscent of Caryl Churchill's folkloric death portent-cum-storyteller 'The Skriker', played by Hunter in 1994. And, like Churchill, Nazli wants to talk about the state of the world, and womanhood, at large. In between pleading to see her baby, joining Elka on a sensual imaginary gallop through a mythic landscape, and listening to Elka's own life-story of a spirited girl on the run from an oppressive marriage, Anna Francolini's Selma frets about wars, epidemics, the fallacy of sisterhood and the plight of the twenty-first century career woman.

Is Elka a manifestation of grief, post-natal depression? Or the gap in understanding between Selma and husband Mark (Matthew Flynn)? Or to compensate for the rather implausible omissions in care of Hara Yannas's young NHS nurse?

The script promises more answers than it delivers, and both Nazli's vivid poetry and Mehmet Ergen's direction flag when Hunter isn't at a scene's reins. But Elka, who spins, tilts and straddles Selma's hospital bed like a difficult mare, is a powerful talisman for a question that's as pertinent to today's women as ever – the nature, and price, of freedom.



Sons of Israel: Kehinde Wiley paintings celebrate the men of the Holy Land

Thursday, February 7, 2013 | by Dan Pine

The young men of color in Kehinde Wiley's paintings are always handsome, muscular and brash. And in the case of the 18 pictures in an exhibition at San Francisco's Contemporary Jewish Museum, they also happen to be Israeli.

More precisely, Israeli Jews — and some Israeli Arabs — who posed for Wiley during a one-month sojourn to Israel in 2010. The paintings are part of the California-born artist's "World Stage" series, which features portraits of men in the prime of life, standing against intricate, symbol-filled backdrops.



Kehinde Wiley with some of his images in the CJM exhibit

"The World Stage: Israel" will be on display Thursday, Feb. 14 through May 27 at the Contemporary Jewish Museum in San Francisco. Also on display will be materials loaned by the Magnes and Skirball collections that echo the designs in some of the paintings.

In addition to the works from Israel, Wiley's World Stage series includes portraits of young black men in Senegal, India, Brazil, Sri Lanka and China.

Visitors to the CJM will stand before Wiley's gigantic color-splashed canvases, the subjects conveying Israel's diversity: super-realistic renderings of Ethiopian-Israeli IDF soldiers, hip-hop musicians and street prophets, looking down from on high.

Contrasting with their Nike and Sex Pistols T-shirts are backgrounds based on traditional Jewish art sources, from 19th-century paper-cuts and marriage contracts to embroidered Torah ark curtains. Some portraits are set against the dusty, ancient valleys surrounding Jerusalem's Old City.

Each picture — some measuring as much as 9 1/2 feet from the top of the frame to bottom — is framed in wood and topped with two hand-carved Lions of Judah holding up the Tablets of the Law. On portraits of Jews, the tablets display the Ten Commandments; for the Arabs, Kehinde substitutes a Hebrew translation of the immortal words of Rodney King, "Can't we all just get along?"

Collectively, the images serve up a complex collision of past and present, much like Israel itself.

"History is always an important character," said the 35-year-old artist of his work, in an email interview. "What I enjoy about painting is the conversation between the present and the past. In the modern streets of Israel you'll see echoes of very old traditions and very old religious affinities."



"Benediter Brkou"

“We’re talking about a different take on modern Israel and its people,” said CJM curator Karen Tsujimoto. “Kehinde said he wasn’t sure what he would experience when he visited Israel. He said [his] perceptions were blown away. It was much more multicultural and diverse.”

All his works are big and bold, toying with long-held understandings of what constitutes portraiture. Whereas it was once the exclusive province of the privileged classes, Wiley wanted to bring some street to the subjects.

In short, he became the Holbein of hip-hop.

“He was trying,” Tsujimoto said, “to give black and brown men the same presence that 18th- and 17th-century royalty had.”



“Kalkidan Mashasha II”

In Israel, Wiley picked up the tension around the constant focus on security, but he was astounded by “the graceful way people learn how to deal with it, and get on with it.”

As he got to work, he set geopolitics aside, but said he expected a measure of self-segregation between black and white Israelis, not unlike a college lunchroom. What he found was something much more nuanced.

Wiley found his subjects via what he calls “street casting,” meeting the men in nightclubs and other random settings. He would ask them whether they felt Israeli or African. The answers he got were as varied as the people.

“Nationality and religion complicated things further,” he said. “There’s a corollary between the state of Israel and the American experiment around all of these people from different parts of the globe trying to fashion an identity together and being shoved together in the same nation, sort of all being considered equally Israeli.”



“Leviathon Zodiac”

images/courtesy of the artist and roberts & tilton, culver city

It’s no surprise Wiley ended up a portrait painter. The Los Angeles native spent many hours in his youth studying the stately works at the Huntington Library near Pasadena. Pinkie and Blue Boy were akin to dear friends.

After graduating from the San Francisco Art Institute in 1999, Wiley attended graduate school at Yale University, where he received his master’s degree in 2001. He also studied in Harlem, where he began to focus on painting young men from the neighborhood.

In 2006 he launched his World Stage series. He also began spending time in Beijing, where he lives for much of the year (he splits his time between China and New York).

He'll be back in California for the opening of his CJM exhibition. Then it's off to another far-flung place on the globe to capture raw masculinity as he finds it.

"We're taking a moment when someone's minding their own business, walking to work or the subway," Wiley said of his work, "and the next thing you know, they're in these monumental paintings, hanging in great museums throughout the world."

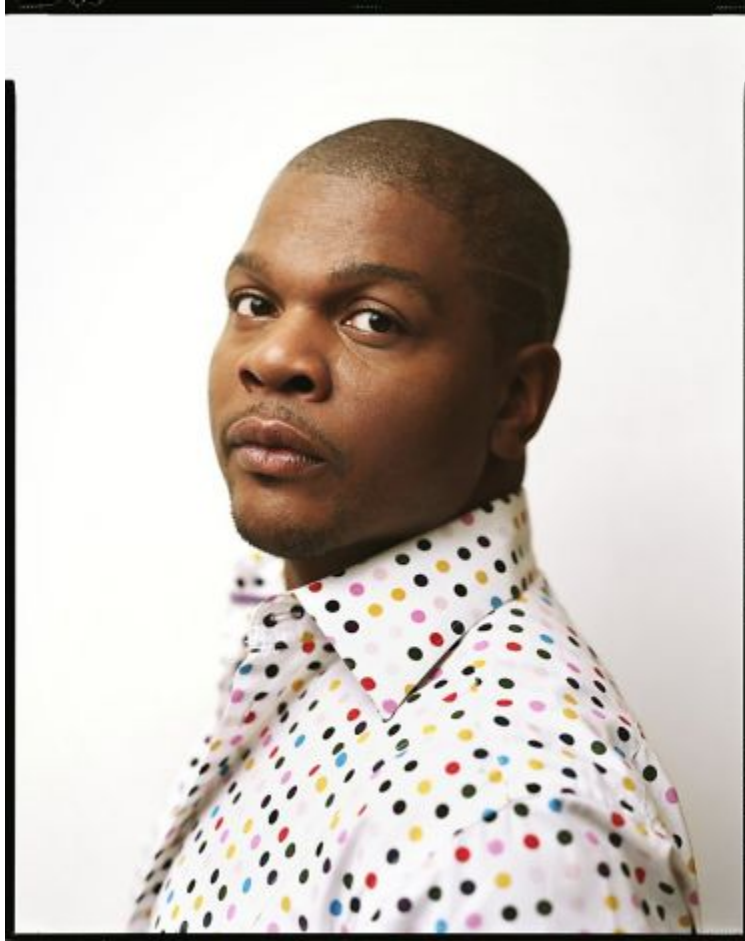
"The World Stage: Israel" by Kehinde Wiley is on display Feb. 14 through May 27 at the Contemporary Jewish Museum, 736 Mission Street, S.F. <http://www.thecjm.org>

SFGate

Kehinde Wiley brings 'World Stage' to SF

Kimberly Chun

Wednesday, February 13, 2013



Los Angeles-born Kehinde Wiley travels the world for his ongoing global art project. Photo: Kehinde Wiley Studio

You don't have to be from Israel to appreciate Kehinde Wiley's portraits of proud urban Arab and Jewish men, posed before stunningly intricate backdrops drawn from Jewish decorative art, on display in "The World Stage: Israel" at the Contemporary Jewish Museum. The African American artist - born in Los Angeles, educated as an undergraduate at the San Francisco Art Institute and now based in New York City and Beijing - is neither Arab nor Jewish, but that outsider perspective has been critical to Wiley's practice.

"It has to do with access: What gives you the right to talk about certain subject matter as a young black American artist?" says Wiley from his New York studio, concerning his "World Stage" project, which has taken him to China, Brazil and Africa. "In many ways, I had to deal with that question very early on, in dealing with the Renaissance, the tradition of Western painting and

portrait making. That was the tradition I was breast-fed upon - which comes out of a decadent tradition of painting within the context of the domination of black and brown peoples from around the world. It was one of the tools of subjugation, in many ways.

"What's interesting about the 21st century is how people deal with cultural history. We don't necessarily feel like there are discrete categories. We consume it as a complete package, whether it's down the street or on the other side of the globe."

Israel's issues are, of course, far from black and white. In his 2011 "World Stage" series centered on the country, Wiley powerfully depicts a few of the shades, faces and ethnicities in between the binary distinctions, embodied in the men he discovered in the discos, malls and sporting spaces of Jerusalem, Tel Aviv and Lod. Among those striking figures are rapper and Israel Defense Forces veteran Kalkidan Mashasha, depicted in Ethiopia-emblazoned fatigues enmeshed in flowering tendrils and symbolism drawn from Eastern European *mizrah* plaques, and two men, Abed Al Ashe and Chaled El Awari, outfitted in T shirts and shorts, shaking hands and embraced by vines beneath the words "Can we all get along?"

"The World Stage" project began as part of Wiley's travels as an artist recognized for his portraits of African American men rendered in styles that riffed off the history of Western art.

"As a working artist, I became increasingly aware of the patterns we see in the street and in America, becoming globalized in terms of pop culture and global and social outlook," he says. "As an artist, I wanted to get down that experience of what was it like to be a young kid on streets of Tel Aviv or Sao Paulo or Beijing."

The process begins with him approaching men to participate in a portrait, which can be challenging in countries that are less culturally sophisticated than, for instance, Israel.

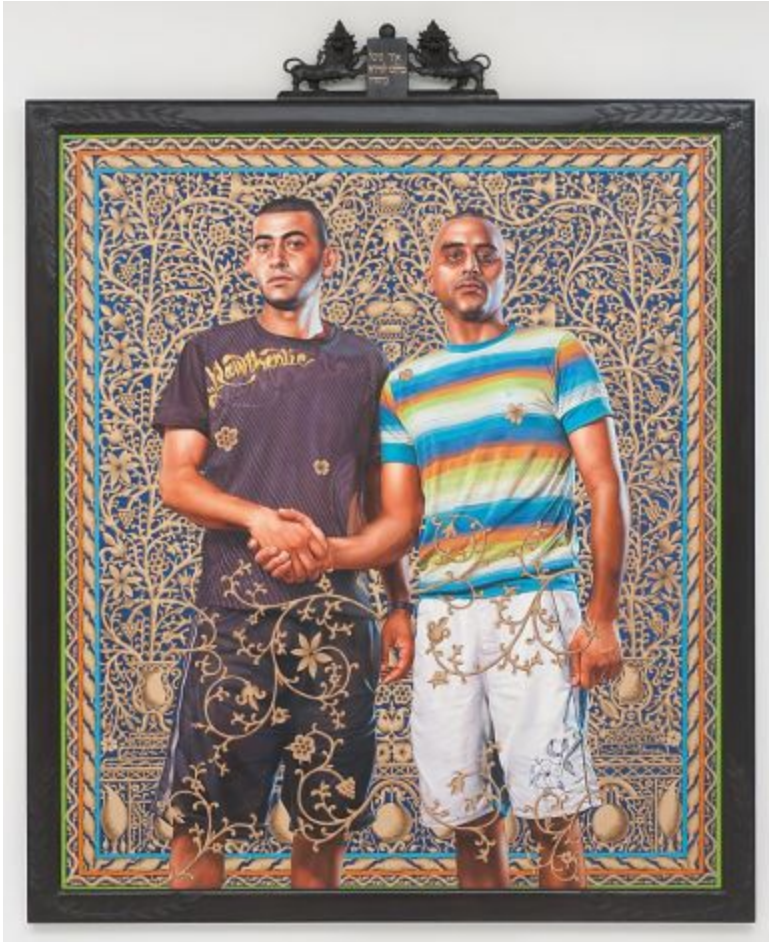
"In America, there's a just-add-water reality-TV world in which people expect to get their Warholian 15 minutes of fame," says Wiley. "But in a lot of countries that I go to that are economically impoverished and arts consumption isn't normalized, you get people who are shocked and confused by this [art-making process]. In parts of the world, that level of attention is most consistent with the police or danger, so in those instances, you go out of the way to really plead your case that it's ultimately an enterprise that's about visual transformation."

Photographs and then studio work follow with Wiley focusing on the figure and other artists in his studios concentrating on the decorative fields.

"What you get isn't exactly what I found in the streets - parts are shot through Photoshop and are heightened or diminished," he says. "In the end, what I'm trying to say as a person who does all this travel and fashions these images is that you arrive at an approximate location but never one destination."



Artist Kehinde Wiley's oil and gold enamel painting is part of his "The World Stage: Israel" exhibit showing at the Contemporary Jewish Museum in S.F.
Photo: Jewish Museum, New York



Kehinde Wiley painted proud Arab and Jewish men posed before stunningly intricate backdrops. Photo: Courtesy Of Roberts & Tilton



Kehinde Wiley, David Ayelin (The World Stage: Israel), 2011. Oil on canvas, 56 $\frac{7}{8}$ x 41 in. (framed).
Photo: Courtesy Of Roberts & Tilton

If you go

The World Stage: Israel: 11 a.m.-5 p.m. Friday-Tuesday, 1-8 p.m. Thursday. Through May 27. Contemporary Jewish Museum, 736 Mission St., S.F. \$5-\$12, 18 and under free. (415) 655-7800. www.thecjm.org.

KQED

Background Considerations: Kehinde Wiley at Contemporary Jewish Museum

By Christian L. Frock | Feb 17, 2013



Kehinde Wiley, *David Ayelin*
(*The World Stage: Israel*), 2011.
Courtesy of the artist and Roberts & Tilton.

Kehinde Wiley is perhaps the most successful American painter of this generation. His hyperrealist portraits largely focus on black and brown men, painted against elaborate decorative motifs sampled from history. Just in his mid-thirties, he is also a prime example of an enterprising international artist with working studios and assistants in New York and Beijing, with perhaps more to come. His paintings regularly sell for hundreds of thousands of dollars and he is intensely prolific. His success is due in part to the broad appeal of his images, which mix historically influenced painting with images of contemporary figures. Some of the most popular have been exquisite portraits of Hip Hop moguls depicted as modern royalty. He has also created an ongoing series of everyday people from different locales around the world. This month the Contemporary Jewish Museum presents **Kehinde Wiley | The World Stage: Israel**, a series of seductive portraits of Israeli Jews, Ethiopian Jews, and Israeli Arabs tapped from the streets of Jerusalem, Tel Aviv, and Lod.

Figures are depicted seated or standing, in various poses that reference classical paintings. The viewer's eye struggles to choose focus between spectacularly dense background patterns that creep to the fore and the glowing complexions of Wiley's subjects. The frames that encase the paintings at the Contemporary Jewish Museum demonstrate profoundly beautiful craftwork, realized with machine-like precision and encoded with symbolism from the black diaspora. There are numerous works in the show, all dated 2011, representing a mere sampling of the artist's recent production.

Wiley speaks about his work with nimble facility and references classical art while conversationally traversing global cultural histories. Few artists articulate their ideas as clearly as he does. Street casting, as he calls it, is the process by which he navigates a city to consider potential subjects among strangers. His subjects tend to have a certain physical presence. They are all young, between 19 and 35 years old, as he will tell you, and appealing in their self-confidence. The most common trait among them is the force of their gaze. Up close one might admire the detail of decorative elements in each painting, but an ideal encounter with Wiley's work plays out like a rare moment of connection, when we make eye contact in a crowd. If the work can be said to have an ideal viewing distance, it would be across the space across a street bazaar.



Kehinde Wiley, *Mahmud Abu Razak (The World Stage: Israel)*, 2011. Courtesy of the artist and Roberts & Tilton.

The images confound presupposed ideas about who belongs in historicized portraiture, indeed about who belongs in a museum -- or for that matter, with this exhibition, who belongs in *which* museum. And yet, stereotypes arise within Wiley's critique of stereotypes: his subjects are typically young, attractive, and able bodied. There is little variation in terms of personal style: no traditional garb, say, or suits. The subjects are consistently depicted in casual street clothes, often

jeans and t-shirts emblazoned with sports logos. There are few indications of cultural specificity; if anything much of the clothing looks American. The predominance of Western fashion raises questions that seem separate from the work, at least initially -- and pondering an absence of diversity in work that challenges the absence of diversity in the Western art historical cannon is a little mind-bending.

Technical ability is starkly evident throughout, but especially in the repetitive patterns of the backgrounds, typically designated to assistants. Wiley is among a long tradition of artists who employ studio assistants to execute these kinds of details, preferring to focus his attention on the central figures. His own handiwork is more brushy and emotive than the finely rendered motifs in his paintings. In terms of detail, one could venture that his assistants paint with greater skill than he does. This raises complex questions about the role of cheap labor in the production of sky-high-expensive art.



Kehinde Wiley, *Leviathan Zodiac (The World Stage: Israel)*, 2011. Courtesy of the artist and Roberts & Tilton.

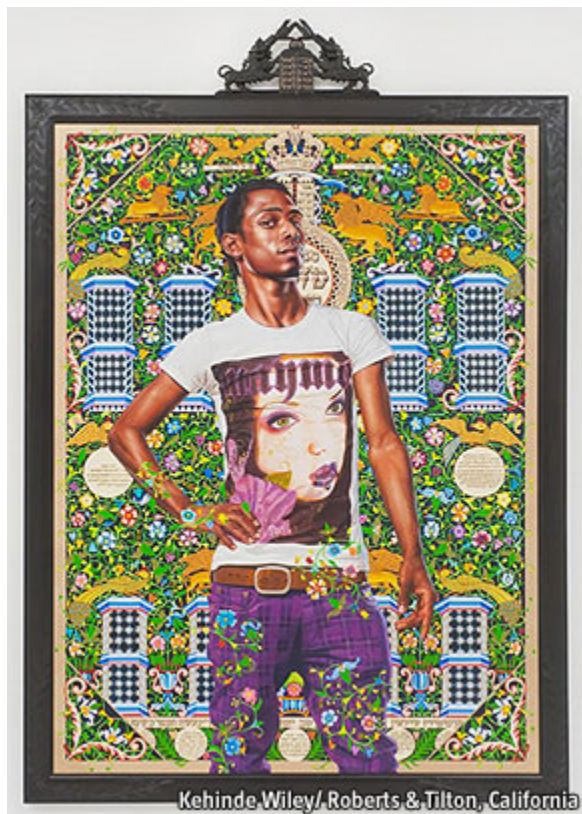
Many high profile artists, including Damien Hirst and Jeff Koons, rely on others to realize the products of their vast enterprises. So why should it be of any great interest that Wiley also

employs assistants? Wiley's paintings effectively complicate a long history of social oppression. But how is the work received when paired with our understanding of exploitive labor practices and extreme poverty of "painting factory" workers in China, incidentally the locale of the artist's international studio? It becomes a sticking point when the social constructs of oppression are engaged to execute work that confronts a history of oppression -- or at least, it should. Is Wiley complicit in this, any more so than other artists? It is unclear and difficult to raise such questions in light of his popularity. We often look to artists to challenge dominant culture -- but when artists won't, few others will. The exhibition on view at the Contemporary Jewish Museum is nothing short of masterful, but it is worth considering how many masters were involved in its production, from woodcarvers to painters, and the larger cultural implications of its existence on the world stage.

The portraits of Kehinde Wiley

The black diaspora, via Israel

February 18, 2013 | SAN FRANCISCO



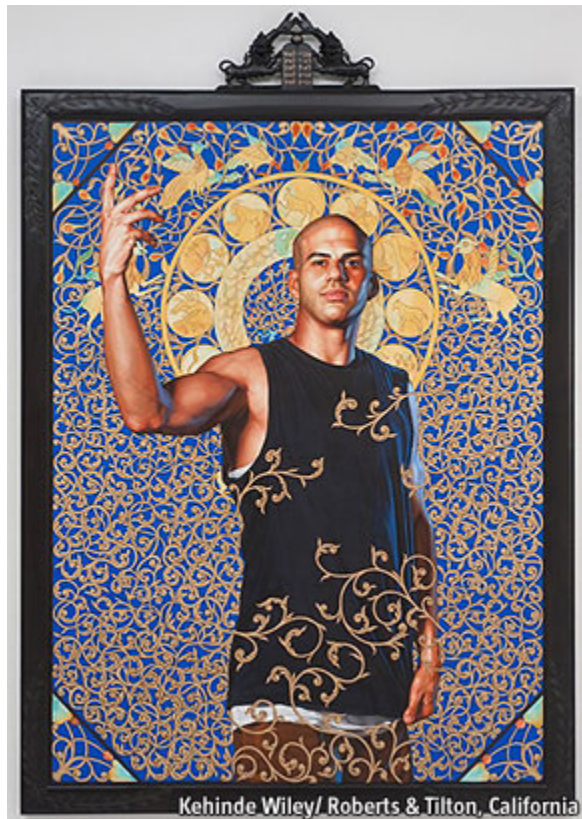
[KEHINDE WILEY](#), an African-American artist, has gained attention for his vibrant, large-scale paintings that appear to mix urban hip-hop imagery with old-master portraiture. His subjects tend to be young black men in hoodies and jeans, who strike the confident poses of kings and aristocratic dandies against bright and ornate wallpaper-like backdrops. For his World Stage series, Mr Wiley has travelled the globe to paint portraits of black men from the streets of India, China, Brazil, Nigeria and Senegal. The most recent stop on this world tour was Israel, and his portraits of confident black Israeli Arabs and Jews are now on view at San Francisco's Contemporary Jewish Museum until May 27th.

Dressed in a black Obama T-shirt, black jeans and black high-top trainers, Mr Wiley describes some of the unique challenges of his Israel paintings. "How do you have a conversation about

Israel without discussing Palestine?" He asks. "And who am I to have the conversation I'm trying to have?" He adds that his role as an outsider makes his job both easier and harder. "I can allow myself to be destabilised and find new histories."

As with his other World Stage paintings, these feature subjects Mr Wiley found through a method he calls "street casting": during his wanders around a new city he meets and talks to people—some strangers, some acquaintances—and invites some to model in his studio. Many of the portraits in this show are of Ethiopian Jews whose families immigrated to Israel in the 1980s and '90s during Israel-sponsored airlifts. Kalkidian Mashasda, an Ethiopian Jewish rapper from Tel Aviv, is in several portraits.

"Mostly I worked with friends of friends," Mr Wiley says. "I wanted to work with males, ages 18 to 35, who in some way were dealing with or challenging the anxiety and narcissism of youth-entertainment culture."



Mr Wiley's subjects are set against elaborate backdrops based on the designs of religious objects, such as Torah ark curtains and Jewish wedding certificates. These patterns were chosen largely for their decorative quality, explains Karen Tsujimoto, the show's curator. Trees, a central metaphor in Jewish culture, feature heavily, as do lions, snakes and birds. Each work, created with help from Mr Wiley's studio assistants in Brooklyn and Beijing, is framed in wood and topped with two carved lions holding two tablets. On portraits of Jews these tablets display the Ten Commandments; for Arabs the text is a Hebrew translation of the phrase made famous by Rodney King, "Can't we all just get along?"

There is something visually arresting about these large, bright, brash works. They are conspicuously hip and readily marketable; his designs now appear on skateboards and Puma trainer shoelaces, both of which are for sale in the gift shop. But his work can lack context. His young Israeli subjects don't appear to have any connection to or relationship with the ancient artefacts they are paired with. What are we to learn about these men we're gazing at? The answer is far from clear.

Critics have lauded Mr Wiley for his painstaking rendering of human skin in his portraiture, and his heroic depictions of black men. But some have described his work as misogynistic, campy and gaudy. Openly homosexual, Mr Wiley's paintings are also often seen as homoerotic. "I always wanted to critique male identity and male beauty, and go against some of the codings we have to lay bare," he says. "My work is a deconstruction of the language of painting, sexuality and class. It's a lot more content than just hip hop."

["The World Stage: Israel"](#) is on view until May 27th at the Contemporary Jewish Museum in San Francisco

SFGate

S.F. World Music Festival unites cultures

By Jesse Hamlin, Wednesday, October 31, 2012



Zi Rui performs "Female Generals of the Yang Family," which is part of "The Opera Project."

Photo: China National Peking Opera Comp

World Music Festival aims for rapport

Musicians from many nations will share the stage, and appear on film from remote places, at the Jewish Community Center in San Francisco next weekend, when the San Francisco World Music Festival celebrates its bar mitzvah year with three pan-cultural operatic performances featuring among others a Beijing percussionist and a Baroque viol player, a Korean singer, a tar (long-necked Persian lute) player from Azerbaijan, masked Tibetan dancers and a North Indian tabla master.

Artists arriving from Beijing, Baku and Seoul, as well as Tibetan and Indian musicians based here, will perform scenes from their operatic traditions in arrangements that showcase each

tradition and connect it to others. Festival founder and Artistic Director **Michael Santoro** and his colleagues painstakingly transcribed and arranged the music so Koreans can play Azeri music and vice versa, and Tibetan and Indian drummers can play Peking Opera percussion parts. But this isn't some loose multicultural jam session.

"Everybody will be playing everybody's music. But there is no spontaneous jamming," said Santoro, a player of traditional Chinese flutes and music with a passion for linking musical cultures and connecting people. He's on the phone from Taipei, Taiwan, where he lives most of the year, studying ancient Taoist music and the Chinese literature that informs it.

"We're trying to bring all this music together in a very studied way, where we can combine all the different scale structures and rhythms, the nuances of emotion and feeling, and merge them into a new sound, a new form. We're creating an environment that's new for all the cultures involved."

Singer **Zi Rui** and **Wang Xi**, master of the Chinese drum called the bangu, are among the four members of the **National Peking Opera Company** making their U.S. debut. Also making their first American appearances are **the Land of Fire Consorts** from Azerbaijan, playing traditional Persian-based Azeri music, and Korea's **the Spirit of P'ansori Ensemble**, a singer and a drummer performing haunting songs from a folk opera about a daughter who sacrifices herself to the Dragon King of the Sea to pay off her blind father's debts. The Bay Area's pan-ethnic **International Youth Orchestra** will play with all of them.

Santoro and his associates at **Dog Door Music Productions** - which puts on the festival and runs music schools in Kyrgyzstan and Taiwan with the aim of preserving vanishing musical traditions and sharing them with the wider world - traveled the world putting together "**The Opera Project**." They wove together operatic scenes that either related thematically or musically.

Working with Music Director **Jim Santi Owen** and Bay Area musicians such as the Azeri *kamancha* (a bowed string instrument) player **Imamyar Hasanov**, and **Zhang Xiao Feng**, who plays the bowed Chinese fiddle called the *erhu*, Santoro traveled to Beijing, Baku and Seoul, recording musicians' performances and transcribing the music (in cases where the music was notated) into different tonal and rhythmic systems so others could play it.

They also filmed a kids' ensemble in the mountains of Kyrgyzstan, and a group of grandmothers from the indigenous Thao culture of Taiwan, banging 10-foot wooden pestles on an ancient stone in rhythmic counterpoint, as their ancestors did millennia ago to call their hunting husbands back from the mountains at New Year's. Musicians onstage will accompany those filmed performances.

Santoro had a moment in Baku, where he visited the widow of **Bulbul**, the famed Azerbaijani singer. Santoro was bowled over to see a picture of the great Chinese opera star **Mei Lanfang**, whose music he reveres, hanging out in Baku in 1960 with Bulbul, whose singing Mei raved about.

"I knew right then we were going to make this happen," Santoro said. I realized there is a direct link, and many indirect ones, between all these operas and cultures. There's a connection between all of us that's much deeper than we know. That's the main reason I do this work: I'm hunting for this link, the commonality we share."

So what will this music sound like?

"It's all in my head, and it will be incredible," Santoro said with a laugh. "You never really know until you get onstage what's going to happen, but the energy that will fill that room is the energy the world needs now."

For more information, go to www.sfworldmusicfestival.org.

Performance group delivers acute portrayal of military resilience

By Nicolas Wahl
February 28, 2013

It was an uncompromisingly honest and emotional performance Wednesday night, as Nichols Theatre played host to the debut presentation of The Joe Goode Performance Group's performance, "Human Kind: What Does it Mean to be Resilient?"

With ninety percent of the spoken lines coming verbatim from the stories and accounts of those coping with the stresses that come with a military lifestyle, there was little theatrical illusion. Truth was abundant, and the emotions were raw for many audience members.

Courtney Hall, freshman in theater, was taken aback by the portrayal of her father's story of resilience.

"It was straight from my dad's mouth. All of it," Hall said. "I've heard that speech [of pulling his soldiers' limbs from the water after an attack] a million times, but tonight it has a whole new meaning."

Hall, who said that at one point she burst into tears during the performance, wasn't the only one in the audience to feel the emotional reality presented on the stage.

Todd Holmberg, director at McCain Auditorium, was another.

"Seeing these almost naked souls baring themselves on stage to a complete stranger, wow," Holmberg said. "I was sitting next to one of the family members and I purposely did not look at her face for fear that I would start crying."

The 18-month process required countless back and forth between Briana Goff, director of the Institute for the Health and Security of Military Families at K-State, Art DeGroat, director of Military Affairs for K-State, and a number of military personnel and their families. Goode and his dance troop finalized the performance earlier this week before taking it to the stage in front of an invitation crowd.

"We had several conversations before it dawned on us that the perfect population that Joe [Goode] could reach out to was the military, because they deal with issues of resiliency every single day," Holmberg said.

Goff discussed the process and individuals' openness to share their thoughts.

"I've known some of these folks for years," Goff said. "I reached out to some of the people that I knew who had unique stories and who I thought would respond back. Some weren't comfortable sharing their stories, but some were very open."

Goff said those who shared their stories were made aware of the purpose of the performance, and that honesty in portrayal played a factor in their candor.

Goode was adamant about the necessity of portraying the stories as directly as possible through his group's mediums of modern dance, spoken word and music.

"If you made it up, it would be 'theatrical' in a very empty way, and that would not work," Goode said. "The fact that it is real material from real people is what allows it to resonate, and what allows us to feel so invested in it as audience members or performers."

This honesty is something that Hall found comfort in.

"I was kind of afraid, coming out of the interview, that they might ham it up a little bit, because I've been a part of so many things that others have done that to," Hall said. "When I came and watched tonight it wasn't that way. I was balling."

DeGroat, who has spent many years of his life dealing with and helping others deal with the idea of resiliency and its ongoing struggle, noted the idea's realistic portrayal in the performance.

"They communicated the essence of the resilience challenge in military veterans in ways that mere words cannot express," DeGroat said. "Resilience is seen as a process that has a successful conclusion, but as a human phenomenon I think that is not the case."

DeGroat said that the performance's message that resilience is a coping process and an ongoing struggle helped him, and could help many others dealing with the continuing struggles presented in their lives.

Full Moon in March – review

Warehouse, London
By Andrew Clements
October 25, 2012



Strange little ritual...Full Moon in March. Photograph: Tristram Kenton for the Guardian

The centrepiece of the latest [London Festival of American Music](#) is an operatic premiere, the first performances in Europe of [John Harbison](#)'s 1977 one-act chamber opera Full Moon in March, given in a minimal staging devised by Carmen Jakobi, and conducted by Odaline de la Martinez.

In some ways it's strange it has taken so long for the piece to be heard here – Harbison has become a major figure in American music after all, and Full Moon in March requires only four singers and a dancer with an ensemble of eight players, and lasts a mere 35 minutes.

But it is an unsettling, baffling piece; Harbison called it an "emblematic, ritual opera", adapting the text from a late, symbol-laden play by [WB Yeats](#), set in an unspecific, mythic kingdom. A filthy swineherd, driven insane by his solitude, is brought before a veiled, unfulfilled queen and attempts to seduce her. She is both fascinated and appalled by the man, but finally rejects him, decapitating him before her shadow begins a Salome-like dance with the severed head, leaving her two attendants to comment on what has taken place.

Yet somehow the power of this strange little ritual is reflected in Harbison's propulsive music, in which a prepared piano (with hints of John Cage's early dance pieces for Merce Cunningham) seems to represent the primeval world that is unlocked by the drama. Mostly though, Yeats's words have too strong a rhythm and identity of their own to accommodate a musical setting, and in this performance, with Caryl Hughes as the Queen and Jeremy Huw Williams, looking for all the world like a Klingon, as the Swineherd, much of the text was impossible to decipher, though the geometry of the Warehouse space had a lot to do with that.

Lontano/De la Martinez, The Warehouse, London Exaudi, Wigmore Hall, London

Fourth London festival opens with a killer US opera, and there's glorious suffering in madrigals

By Claudia Pritchard

Sunday, 28 October 2012



John Harbison's *Full Moon in March* has a bleak storyline

When the humble shepherd comes a-calling on the icy princess, fairytale convention dictates that the ardour of his honest love melt her frozen heart, and a wedding ensue. But the bleak storyline of John Harbison's chamber opera *Full Moon in March*, inspired by Yeats's play (not surprisingly, rarely performed) and staged for the fourth London Festival of American Music, denies the redemptive happy ending.

Harbison's ambitious swineherd is a filthy, muscular creep, the princess he woos a spiteful despot. In their hateful world are only two malign attendants and the princess's alter ego, a lascivious dancer. So with not a glimpse of loveliness on stage, it rests with the music to reveal beauty in this hostile landscape. And it is there, in the arching, aching lines of Jeremy Huw Williams's meatily sung *Swineherd*, reminiscent of Britten's *Peter Grimes*, longing poisoned by lechery proving lethal.

Those so squeamish they hide behind the sofa when George Osborne comes on screen might recoil at the climactic pas de deux with the severed head of the *Swineherd*, and fatal kiss on lifeless lips. But Gwen Elfyn Jones's low dance to the death was a mesmerising spectacle, egged on by Harbison's relentless score and dark orchestration, the insistent bass clarinet and Barnaby Archer's percussion presaging a terrible end. Matthew Deeley's design for Carmen Jakobi's production echoed the narrative's cool oriental clarity as well as the characters' commedia singularity.

"Every aspect of this opera is environmentally sustainable," read the programme, impressively if incomprehensibly. For sure, the word "cruel" is much recycled, and this is, at many levels, a nasty piece. But then March, not April, is the cruellest month, and nothing good ever came of it, except the clocks going forward again.

All three of the short pieces that opened the evening by the group Lontano in *The Warehouse* were UK premieres, and all paid tribute to earlier composers. Arthur Levering's *Still Raining, Still Dreaming*, dedicated to Toru Takemitsu and nodding at Jimi Hendrix, summons all the colours of the rainbow. In a wonderful moment of instrumental synergy, a double bass bow is drawn up the keys of a vibraphone, the frail bat squeak morphing seamlessly into the woodwind line.

Aleksandra Vrebalov's *Passion Revisited* for Piano Trio, based on an aria from Bach's *St Matthew Passion*, is a richly romantic invention suspended from the opening and closing thread-like notes. Sophie Harris's sumptuous cello playing turned this into a special occasion and the dependability of pianist Mary Dullea – here as throughout the evening – made you wish that, if ever you missed your footing, she would be the person at hand to catch you. Rand Steiger's 100th birthday tribute to Elliott Carter is a work of such complexity and virtuosity you can only plunge in and enjoy the tumbling, maybe catching a glimpse of some of the dozens of musical references among the breakers.

Odaline de la Martinez both conducts Lontano and is artistic director of the annual festival, and this total immersion in American music is a boon. Next year's programme is something to look out for.

Weeping, crying, grieving, dying ... Exaudi's idea of a good time comes laced with pain aplenty. And yet an evening in the company of these eight singers at Wigmore Hall, celebrating 10 years of exquisite agony in music, was a splendidly upbeat affair, with many cheerful interventions by founder and director James Weeks and a clutch of new commissions, the first of an open-ended project to write a madrigal book for the 21st century.

While English fa-la-la madrigals are largely winsome noodles, Italian madrigals, Exaudi's natural habitat, are mini-operas. Monteverdi was on his way towards staging his, arguably the first, opera at Mantua when he dedicated his third book of madrigals to Duke Vincenzo Gonzaga, and his account of Rinaldo's leaving Armida (which will form the basis of a Handel opera a century or so later) distils in only three stanzas all the heat of desire and chill of rejection.

Singers who can invest this luxurious howl with such colour, and then premiere Larry Goves's bleached and hypnotic "Sherpa Tensing ..." , seem capable of anything. Soprano and co-founder Juliet Fraser's burnished silver and the oaky bass of Jimmy Holliday are particularly lovely, but it's the ensemble work that amazes, making Exaudi a single instrument of seemingly infinite powers.

In Salvatore Sciarrino's three madrigals from 2008, five singers swoop between notes, exhale voicelessly and wobble their lips, adding pattering finger clicks in dazzlingly complex cross-rhythms. But nothing is more outlandish than the other-worldly, almost unhinged dissonances of Gesualdo (born 1561). "La vita lascio e me ne vado a morte", sigh Exaudi with relish: "I must part from life and die." Long may they do so.

Next week

Anna Picard heads to Wexford

Critic's choice

Start them young on opera with Netia Jones's staging of Oliver Knussen's *Where the Wild Things Are* and *Higglety Pigglety Pop*, the Barbican's double bill half-term treat (Sat). Also in London, Osmo Vanska conducts the London Philharmonic Orchestra in Rachmaninov's stirring *Symphony No 3*, and Christian Tetzlaff joins the party to bring his characteristic dynamism to Dvorak's *Violin Concerto* at the Royal Festival Hall (Friday).



John Harbison's *Full Moon in March* has a bleak storyline

SFGate

Eugene Rodriguez earns artist fellowship

By Jesse Hamlin

Wednesday, December 12, 2012



Eugene Rodriguez, founder of Los Cenzontles in San Pablo, is one of 50 artists who received a \$50,000 grant from United States Artists Fellowships. Photo: Courtesy Los Cenzontles

Arts center founder awarded \$50,000

Musician **Eugene Rodriguez**, the founding director of the vital Mexican arts center in San Pablo called **Los Cenzontles**, was in very good company a few weeks ago at the Getty Center in Los Angeles, where he and 49 others were given \$50,000 United States Artist Fellowships by the nonprofit of the same name.

His fellow 2012 winners include playwright **David Henry Hwang**, jazz drummer **Jack DeJohnette**, choreographer **Trisha Brown** and novelist **Annie Proulx**. Rodriguez's friend **Linda Ronstadt**, a big Los Cenzontles supporter, introduced him at the ceremony, which was hosted by **Tim Robbins**. Rodriguez performed his song "**Valor Latino**" with his bass-playing

son, **Emiliano**, and **Los Lobos' David Hidalgo**. Hidalgo plays on Los Cenzontles' recent "**Regeneration**" CD, as does **Jackson Browne**, who was also at the Getty for the USA Fellowships bash.

"It's a huge validation for someone whose career has been intertwined with the community," says Rodriguez, 50, who grew up in Glendale, attended UC Santa Cruz and got a master's degree in guitar performance at the **San Francisco Conservatory of Music** before starting the street-front music and dance center 25 years ago.

"I've dedicated half my life to this project," Rodriguez says. The 50 grand, provided by Bay Area contractor and arts philanthropist **Steve Oliver**, "will allow me to have a little bit of stability and not worry about my personal circumstances."

Rodriguez, who performs with other teachers, students and friends at Los Cenzontles' annual Christmas party Saturday - everyone is welcome to the event, which begins at 6:30 p.m. with a traditional Mexican posada, or nativity re-enactment - sees himself as "an artist embedded in the community. I chose to work here because there's so much energy and flexibility. What we try to do is show the strength and beauty of a culture that society doesn't always value, to show the beauty and dignity we carry with us." For more information, go to www.loscenzontles.org.

Extensions and reprises

After the holidays, monologist **Brian Copeland**'s hit show about his battle with depression, "**The Waiting Period**," which this very paper's **Robert Hurwitt** calls as "astonishingly funny as it is brutally honest," reopens at the Marsh in San Francisco, Jan. 11-26. Copeland is going to be busy over there. His earlier hit one-man show, "**Not a Genuine Black Man**," comes back to the Marsh on Feb. 1-23, in connection with Black History Month. www.themarsh.org ... Meanwhile, over in Mill Valley, **Marin Theatre Company** has extended its popular show "**It's a Wonderful Life: A Live Radio Play**," based on the classic **Frank Capra** movie starring **James Stewart**, through Dec. 23. The word "wonderful" cropped up in all the mainstream reviews, but not in the capsule critique by a kid from Davidson Middle School in San Rafael, posted on the MTC website: "Really cool!" www.marintheatre.org.

A seasonal circus

Beth Clarke, the slack rope circus artist who has worked with **Cirque du Soleil**, the **Pickle Family Circus** and many others, performs with jugglers, clowns and trapeze artists at "**Mittens and Mistletoe: A Winter Circus Cabaret**," Dec. 21-24 at **Dance Mission Theater** on San Francisco's 24th Street. Produced by **Sweet Can Productions**, which Clarke co-founded, the show is directed by the clown duo **Coventry & Kaluza**. For information, go to www.sweetcanproductions.com.

Blues on film

Mark Cantor, who has a great collection of jazz and blues performances films, will be at the **Jewish Community Center** in San Francisco on Feb. 2 with his "**The Legacy of the Blues**"

program, which brings together familiar and rare footage of **Lightnin' Hopkins, Louis Jordan, Count Basie, T-Bone Walker, Sonny Boy Williamson, Muddy Waters, B.B. King, Buddy Guy** and others. More information at www.jccsf.org/arts.

Yuletide Muldaur

Maria Muldaur fans will have ample opportunities to hear her "**Christmas at the Oasis**" show around these parts over the next couple of weeks: Saturday and Sunday at the **Rrazz Room** (www.therrazzroom.com); next Thursday at Berkeley's **Freight & Salvage** (www.thefreight.org) and at **Rancho Nicasio** on Dec. 22 (www.ranchonicasio.com). Don't expect to hear "the same old sappy holiday schmaltz," advises the Freight, which promises a swinging night of Christmas chestnuts roasted on a bluesy fire.

SFGate

'The Other Place' review: Gripping

By Robert Hurwitt

Friday, September 21, 2012



Microbiologist Juliana (Henny Russell), with husband Ian (Donald Sage Mackay), finds her lecture constantly interrupted by scenes involving those closest to her in Sharr White's "The Other Place." Photo: Jennifer Reiley

The Other Place: Drama. By Sharr White. Directed by Loretta Greco. Through Oct. 7. Magic Theatre, Building D, Fort Mason Center, S.F. 80 minutes. \$22-\$62. (415) 441-8822. www.magictheatre.org.

Don't take her word for it. Juliana, the central character in Sharr White's "The Other Place," may be the smartest person in the room, as she tells us. She obviously thinks she is, in the engrossing West Coast premiere that opened the Magic Theatre's season Thursday. She sure knows her microbiology.

But the Broadway-bound "Other Place" is a mystery play - on more than one level and in more than one time and place. And the smart scientist, who's explaining a pretty complicated molecular biology breakthrough when we meet her, is an integral part of the tantalizingly intense, edgily suspenseful unfolding of some very personal mysteries.

"Other" could be the breakthrough play for White, a former acting student at San Francisco State University with a master's degree from ACT. He's had shows produced at theaters all over the country - Marin Theatre Company premiered his "Sunlight" a few years ago; Magic premiered "Annapurna" last year. "Other" is opening in a Manhattan Theatre Company production on Broadway in December, and White has used the Magic run to make some key rewrites after its well-received off-Broadway premiere.

It's a grippingly told tale as staged by Loretta Greco to open her fifth season as the Magic's producing artistic director. Every element falls perfectly into place, from the transformative shifting realities of Myung Hee Cho's set, Hana Sooyeon Kim's video design and Brandon Wolcott's hauntingly domestic sound effects to the pinpoint precision of the performances within White's fractured-scene format.

Thin, nattily attired, forceful Henny Russell carries the weight of those scene shards with a confident ease that draws us almost helplessly into the thick of Juliana's mysteries. It's harder than it looks.

On one hand, she's delivering a dense, fast-paced lecture on the patented synthetic molecule she's developed to try to block dementia-associated plaque growth in the brain, a talk continually interrupted by varied ongoing scenes. On the other, she's a pretty prickly person. But something in her quick, restless mind, even her arrogant sarcasm, bespeaks the weathered remnants of charismatic charm.

Donald Sage Mackay's harried but strong, quick-witted Ian - the oncologist husband Juliana says is divorcing her - illuminates how well their senses of humor meshed in a love match. Carrie Paff's portrait of a weary, wary Laurel, the daughter who ran away 10 years earlier at 15, conveys the deep emotional costs of that wit in a phone call with her mother, as does a tense Patrick Russell, repressing his anger as Juliana's former assistant.

Paff is equally outstanding trying to remain cool and in charge as a doctor Juliana visits in other scenes that keep trespassing on that lecture, and in another role at the Cape Cod cottage Juliana calls "the other place." Each of these characters and scene shards contain clues to the mystery - or mysteries - as do Juliana's mid-lecture ruminations on the girl in a yellow string bikini inexplicably seated among the doctors in her audience.

More than that will not be revealed here, not even what the mysteries entail. White carefully develops his plot twists, planting clues and red herrings along the way. Greco and her actors make every turn so natural that you may not anticipate how touching and troubling the outcome will be.



Juliana (Henny Russell), a brilliant scientist, tries to understand what a recent encounter has to do with her daughter who ran off with her lab assistant 10 years earlier in Sharr White's "The Other Place" at Magic Theatre Photo: Jennifer Reiley



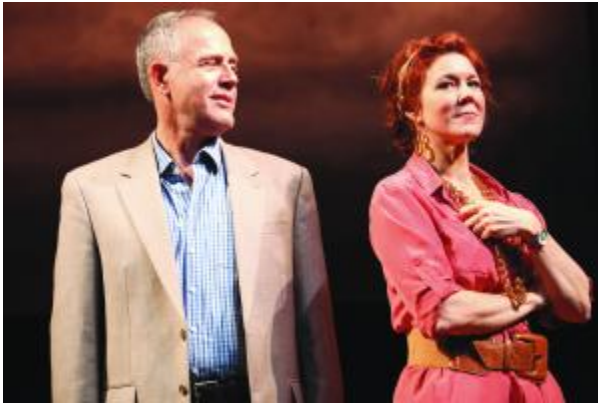
Juliana (Henny Russell), a brilliant scientist, talks with the Man (Patrick Russell) as she tries to reconnect with her daughter who ran off with her lab assistant 10 years earlier in Sharr White's "The Other Place" at Magic Theatre. Photo: Jennifer Reiley



Juliana (Henny Russell), a brilliant scientist, tries to understand what an episode during a lecture has to do with her daughter who ran off with her lab assistant 10 years earlier in Sharr White's "The Other Place" at Magic Theatre Photo: Jennifer Reiley

Family woes fill Magic Theatre's production of 'Another Way Home'

By: Jean Schiffman | 11/16/12



Strong performances: Mark Pinter and Kim Martin-Cotten play a couple with a difficult child and marriage in Magic Theatre's premiere of "Another Way Home."

In Magic Theatre's "Another Way Home," when a middle aged couple arrives for visiting day at Camp Kickapoo to see their teenage son, Joseph, they're greeted with cold hostility.

Joey, who activates the events of the play, is sullen, hateful and, as portrayed by Daniel Petzold, weirdly jumpy, with a glazed, manic look in his eyes. Apparently the kid's been like this for a long time. He's been treated for ADD, depression and other conditions.

The painful parental visit serves as an occasion for anxious mother and frustrated photographer Lillian (a round-faced, emotionally open Kim Martin-Cotten) and her vaguely-dissatisfied-with-his-life husband Philip (an amiable, equally appealing Mark Pinter) to air out the frustrations in their 25-year marriage in a variety of squabbly, passive-aggressive ways.

Anna Ziegler's drama, in its world premiere at Magic Theatre, examines the human condition through the prism of a contemporary, educated, middle-class American family.

Lillian and Philip don't know why their lives have derailed, or why their son is so difficult, and, thankfully, Ziegler doesn't provide pat answers. Joey himself doesn't know what's wrong with him, nor does his sister, Nora (a shrill Riley Krull), the designated good child who's got her own demons.

This ought to engage us. Ziegler's dealing with perennial mysteries such as the way a parent can love a seemingly unlovable child, the nature of truly listening to partners and how long-term marriages can fray around the edges for the most elusive reasons.

Yet her characters, and their problems, feel contrived and insufficiently explored. If Ziegler doesn't try to overexplain the source of everyone's misery — and that's a good thing — she needs to find fresh and insightful ways for them to express it.

But she gives Lillian and Philip the task of narrating their way through the play, occasionally jumping in to act out the scenes. This self-conscious theatrical device can work if it's done cleverly and for good reason. Here it feels like lazy playwriting. Despite strong acting by Martin-Cotten and Pinter under Meredith McDonough's direction, the ensemble production suffers from the problem of adults playing children; Petzold and Krull, trying too hard to project youthful, off-the-wall energy, are unconvincing.

On the other hand, Jeremy Kahn, in a disappointingly underwritten role as Joey's friend and camp counselor, nails it thoroughly as a slump-shouldered teen who longs for the type of caring family that unappreciative Joey finds so repugnant.

Life happens to this family, but Ziegler hasn't managed to make it feel truly lifelike.

SF Gate

'Se Llama Cristina' review: Baby on board? Maybe.

By Robert Hurwitt

Thursday, January 31, 2013



A Woman (Sarah Nina Hayon) and a Man (Sean San José) are part of the mystery in Octavio Solis' play.
Photo: Jennifer Reiley

Se Llama Cristina: Drama. By Octavio Solis. Directed by Loretta Greco. Through Feb. 17. Magic Theatre, Building D, Fort Mason Center. 90 minutes. \$22-\$60. (415) 441-8822. www.magictheatre.org.

For a pair of shut-ins, the couple in Octavio Solis' "Se Llama Cristina" cover a lot of ground. Without setting foot outside a squalid, locked apartment, they embark on a road trip from the Texas Panhandle through New Mexico and Arizona to Daly City in the Magic Theatre world premiere that opened Wednesday, and from the present through various incidents in their pasts and into a perhaps future. The space covered in terms of metaphor and the seamier and more positive sides of being human is even greater.

Some of these tropes are vintage Solis, and some are less effective than others. The latest play by one of San Francisco's most prominent playwrights ("Santos & Santos," "Lydia," "Gibraltar" and

many more) is one of his most compact stories and one of his messiest - which isn't necessarily a bad thing. A kind of fever dream for a man and a woman facing their fears about parenthood, it combines gritty and unsavory plunges into realism with willful disregard for the form's limitations.

Sometimes that leaves the viewer distracted by questions about the basic setup. Why is the door locked? Or is it? What's up with that fried chicken leg? If Solis doesn't provide satisfactory answers, though, director Loretta Greco makes remarkably theatrical use of them. And the full-throttle performances of Sarah Nina Hayon, Sean San José and the rest of the cast generally make each moment vital enough to forestall questions of logic.

Almost none of the characters have names, at least in the program, which may seem odd given a title that translates as "My Name Is Cristina." But then, none of the characters, all but one of Mexican descent, speak Spanish - at least at first. San José's Man and Hayon's Woman wake up not knowing who they are or what they have to do with each other in a strange apartment, rendered as a claustrophobic nightmare of dirty, bare walls, crumpled paper and an empty crib under an ugly cottage-cheese plaster ceiling.

Names emerge, and then evolve, becoming part of an ongoing search for identity - cultural and personal - as Man and Woman slowly shake off a lingering, epic drug hangover. The "No Exit"-like hell of their confinement gives way to fragments of their past. A frightening figure named Abel intrudes, played by Rod Gnapp with a casual ferocity that makes working for the telephone company sound like the most sinister secret power of a supervillain.

A street-smart but naive Karina Gutiérrez, in another unnamed role, arrives to deliver the most extended and obliquely hopeful monologue in Solis' escalating conflict between images of love, caring and redemption on one side, and wife beating, drug and alcohol abuse, incest, child abandonment and child rape on the other.

Taken as a mystery, which on some levels it is, "Cristina" unfolds with disappointing predictability, except for those aspects that are simply unbelievable. As metaphor, it's somewhat facile and at times overwrought, although easy to identify with, to varying degrees, for most parents.

But Solis' rich intermarriage of gritty expletive-studded and lyrically allusive language carries it a long way. And the fully formed, simmering performances of San José, Hayon and Gnapp keep it riveting, right through the final disposition of that odd drumstick.

SFGate

Meridian Gallery show on ancient rituals

By Jesse Hamlin

Wednesday, December 12, 2012



Artist Jewlia Eisenberg in her Meridian Gallery show, which includes a video of her "reading" a liver.
Photo: Courtesy Meridian Gallery

Jewlia Eisenberg has made many sacrifices for her art, including fondling a cow's liver. And she loathes liver, chopped or otherwise.

"Do you know how challenging this was for me?" says Eisenberg, an intense and funny woman who "reads" livers, on video and in the flesh, in her intriguing new multimedia installation "Teraphim" at San Francisco's Meridian Gallery. It's part of the group show "Dark Nights, Bright Lights: Artists Respond to Rituals & Traditions in the Homeplace and Beyond," which includes performances that draw on ancient Korean myth, Persian solstice rituals and "Jewish songs about eggplant and fire-worship," also offered to celebrate the darkest night of the year.

Eisenberg's piece riffs on teraphim, the mysterious house-gods that the Babylonians, Hebrews and other ancient Near Easterners used to divine the future, and related practices like hepatoscopy, the art of interpreting the patterns found in the livers of sacrificed animals, usually

sheep. According to the prophet Ezekiel, Babylonian king Nebuchadnezzar read the oracular organ and cast arrows, another predictive practice Eisenberg touches on, before invading Jerusalem.

The artist, a lay cantor and founder of the outre Bay Area band Charming Hostess, which merges music of the Jewish and African diasporas with doo-wop, Pygmy counterpoint and other things, studied the literature on hepatoscopy and belomancy (arrow shaft interpretation) while creating "Teraphim."

She was fascinated by the household figures that held spiritual power for people, including the Jews of the Bible, whose use of these nebulous objects was discouraged over time as the tenets of the Yahweh-worshipping monotheists took hold and teraphim were condemned as idols.

"They're interesting because we don't know exactly what they looked like. Possibly they looked like goddess figurines, like (sex and war goddess) Astarte, which is interesting for these monotheists," says Eisenberg, who wants visitors to explore and have some fun in what she calls "a cosmopolitan spirit place" that embraces these archaic practices, among others.

She made her own cast of small clay teraphim, one of which looks a bit Big Bird, another like some blocky golem. They appear amid Hebrew text from two Old Testament teraphim stories: the one in Genesis in which Rachel steals and hides her father's household gods, and the second in the Book of Samuel, when David's wife, Michal, puts a teraphim in her bed to look like his sleeping head, so the real David can escape the wrath of her father, Saul.

Thursday night at 8, Charming Hostess and singer-guitarist Jeremiah Lockwood of the New York band Sway Machine perform what Eisenberg calls "music with roots in religious transcendence and branches in social justice movements," which covers a lot of ground. The band returns next Thursday for that solstice-toasting eggplant and fire-worshipping show with the crazy Klezmer band Kugelplex.

The next night, on the actual winter solstice, Fariba Bogzaran, whose installation "Blue Is Turning" includes abstract paintings and sculptures dealing with form and formlessness, hosts an ancient Persian solstice celebration called Shab-e-Yalda. She plays the *tar* (traditional Middle Eastern frame drum) with a group that includes classical Persian singer Taghi Amjadi, oud player Amir Hossein Nojan, and Kim Rosen reading mystical poetry.

"In the old Persian tradition, they stayed up all night singing poetry, eating fruits like pomegranates and doing divination that night for the whole year," says Bogzaran. She's standing in a nook where she has placed a book of poems by Hafez, the 12th Persian poet whose verse was randomly selected at solstice rituals to interpret people's stated wishes.

Astral images

"Dark Nights, Bright Lights" also features Amy Berk's intimate "Near and Far" installation, which includes strange motion-filled images of the sky. They were photographed from an unusually low perspective - by Berk's then 2-year-old son - and given a bluish tint by the artist.

"The images were pretty interesting, because you don't usually have that vantage point," Berk says. "They're like beautiful abstractions."

Then there's Dohee Lee's complex piece, inspired by the ancient Korean myth of Mago, the creation goddess who weaves the world from her long flowing hair. In Lee's piece, Mago's mane spins out gossamer spans of black yarn that suggest musical strings and telephone lines, swooping through space and spiraling 2-D on white walls. Plaster peaches - the peach symbolizes abundance and longevity in Asian culture - dangle Magritte-like from the ceiling.

"A lot of Korean shamanistic ritual is combined in this installation and performance," Lee says, "but this is not the traditional way. It's my own creation."

You can interact with Lee in her space 2 to 5 p.m. Friday, Wednesday and Dec. 21. Eisenberg will be in residence noon to 5 p.m. Thursday and next Thursday. If you want, she can pull out one of the cow or chicken livers she bought at Berkeley Bowl and show you how to read them.

"They're right here, my brutha, in the refrigerator," says the artist, who knows people with a sustainable farm who can actually perform a ritual sacrifice for people who really want to get into it.

"I'm going to interpret a liver," Eisenberg says, "but personally, I'm not interested in killing a sheep for it."

Dark Nights, Bright Lights: Through Dec. 21. Meridian Gallery, 535 Powell St., S.F. (415) 398-7229. www.meridiangallery.org.

In the Locked Room/Ghost Patrol – Edinburgh festival review



By Andrew Clements
Friday, August 31, 2012



Mysterious ... Ruby Hughes in *In the Locked Room*.
Photograph: Jeff J Mitchell/Getty Images

Though packaged in Scottish Opera's mini-season of new work, the double bill of one-act operas by Huw Watkins and Stuart MacRae is actually a Music Theatre Wales show; both works are conducted by one of the company's artistic directors, Michael Rafferty, while the other, Michael McCarthy, directs Watkins's piece. It was MTW that introduced Watkins's first opera, *Crime Fiction*, three years ago; that had a text by David Harsent, and it is Harsent who has written the text this time, too, loosely basing *In the Locked Room* on a short story by Thomas Hardy.

A young couple rent a room in a house on the Sussex coast for a holiday, where the wife, Ella, discovers another room is permanently let to a poet, Ben Pascoe, whose work fascinates her; Pascoe insists his room remain locked when he is not there. Ella becomes more and more obsessed with the poet and his work, and when he makes a brief visit the inevitable happens. She becomes pregnant and Pascoe is reported dead – whether the victim of an accident, murder or suicide is never clear.

The whole mysterious fable is told in less than 45 minutes. There's no spare flesh on Harsent's lapidary text, nor on Watkins's vocal writing; the textures he draws from the 14 instrumentalists in the pit have a Britten-like economy, every one fit for its expressive purpose. It's a beautifully

crafted piece of music theatre, unfussily staged by McCarthy, with fine performances from Ruby Hughes as Ella, Håkan Vramsmo as Pascoe, Louise Winter as the randy owner of the house, and Paul Curievici as Ella's money-obsessed husband.

Ghost Patrol, MacRae's opera, is considerably longer than Watkins's and far less cogent; it could easily lose 20 minutes without compromising the slender story of two veterans from an unnamed war meeting again, reliving the trauma of their service together, and finally both being destroyed by it. Louise Welsh's text is over-wordy and ridden with cliches; the instrumental writing and the sonorities in MacRae's score are far more striking than his vocal lines. The performances – James McOran-Campbell and Nicholas Sharratt the ex-soldiers, Jane Harrington as the girl caught between them – are first-rate, though, and Matthew Richardson's production does everything required of it, except disguise the opera's longueurs.

In The Locked Room/Ghost Patrol, Linbury Studio Theatre - review

Double-bill modern opera is too determined to prove itself

By Nick Kimberley, September 28, 2012



Ruby Hughes as Ella and Hakan Vramsmo as Pascoe (CLIVE BARDA/ArenaPAL)

Contemporary opera sometimes seems unsure what stories to tell but one half of this Music Theatre Wales double-bill shows how it can be done. Huw Watkins's *In the Locked Room* has a simple but resonant plot: a woman is unhappily married to a City high-flier. The couple move to a house that they share with an absent poet. The woman fantasises about escaping into the poet's arms but, needless to say, it all goes wrong.

Apart from a few leaden lapses, David Harsent's libretto is compact and singable; Watkins responds with music that, if not quite managing to delineate character, certainly fills out the emotional textures. He skilfully varies the colours of his small orchestra, while his vocal writing comes across as suitably heightened speech. No masterpiece, then, but a genuine music drama.

By contrast, Stuart MacRae's *Ghost Patrol* struggles, perhaps because Louise Welsh's libretto tries to say too much. Two battle-scarred soldiers meet in a bar and try to get to grips with the terrible things they did in an unnamed war. MacRae works his orchestra work hard but, despite the cast's best efforts, the sung lines feel over-determined: we are all too aware that they are, precisely, sung lines. That's contemporary opera, folks.

Ghost Patrol wins South Bank Sky Arts Award

March 13, 2013



MUSIC THEATRE WALES AND SCOTTISH OPERA WIN
SOUTH BANK SHOW SKY ARTS AWARD FOR OPERA WITH STUART MACRAE'S
GHOST PATROL

Music Theatre Wales and Scottish Opera have won the prestigious South Bank Show Sky Arts Award for their co-production of Scottish composer Stuart MacRae's gripping one-act opera *Ghost Patrol*.

The opera received its World Premiere at the 2012 Edinburgh International Festival as part of a critically acclaimed double-bill which then transferred to Glasgow and toured extensively through England and Wales last autumn.

The piece beat off strong competition in the Opera section from the Royal Opera House's production of *Les Troyens* and Oliver Knussen's *Where the Wild Things Are* at the Barbican.

Ghost Patrol ("stirs the imagination.. grabs the heart." - Financial Times) brings together MacRae with acclaimed Scottish crime novelist Louise Welsh to examine how the harsh reality of civilian life collides with the corrosive effects of war. The piece is set in a modern day bar where two soldiers and a woman trying to escape their past come together, uncovering a terrible secret and unleashing inevitable tragedy.

The production was directed by Matthew Richardson and designed by Samal Blak with lighting by Ace McCarron. Music Theatre Wales' Music Director and Joint Artistic Director Michael

Rafferty was the conductor. James McOran-Campbell sang the role of Alasdair, Nicholas Sharratt played Sam and Jane Harrington sang the role of Vicki.

The awards were announced at a ceremony at London's Dorchester Hotel on Tuesday, March 12, fronted by Melvyn Bragg. The Opera Award was presented by singer Amanda Echalez. Accepting the award, Stuart MacRae said:

"It is an exciting time for new opera in the UK, with so many companies and artists getting involved in renewing and developing this living, breathing, richly collaborative art; and it's a privilege to be able to play a small part in this, presenting new, contemporary work to the public with such wonderful colleagues. I am deeply grateful to the South Bank Sky Arts Awards for recognising Ghost Patrol, and for giving us encouragement to keep making work that engages with our contemporary world."

The South Bank Show Sky Arts Awards are amongst the world's most coveted arts awards, celebrating the best of British culture and achievement across visual art, theatre, opera, dance, comedy, classical music, pop, TV drama, literature and film.

Winners in other categories of this year's awards included the James Bond film *Skyfall* and Hilary Mantel's novel *Bring Up the Bodies*.

The awards will be broadcast in a special South Bank Sky Arts Awards special on Sky Arts 1 HD on Thursday, March 14 at 9:30pm, presented by Melvyn Bragg.



February 16, 2013

Riveting Reverie: Opera Parallèle's *Ainadamar*

By Georgia Rowe



Marnie Breckenridge as Margarita Xirgu and Lisa Chavez as Federico García Lorca. Ensemble Parallèle's *Ainadamar*
Photos by Steve DiBartolomeo

“What a sad day — the stones began to cry.” With that line, the chorus of *Ainadamar* begins to recall the death of martyred Spanish poet Federico García Lorca. In this haunting and radiant 2003 opera by Argentine composer Osvaldo Golijov, the memory of horrific events is the driving force that keeps souls suspended in a kind of timeless purgatory.

Ten years after its first production, Golijov’s dreamlike opera made its long-awaited Bay Area premiere over the weekend in a stunning new production by Opera Parallèle. With vibrant musical direction by Nicole Paiement, effective direction by Brian Staufenbiel, and an outstanding cast, Saturday’s performance in the Lam Research Theater at Yerba Buena Center for the Arts brought history, tragedy, music, and memory together in a riveting 80-minute staging.

Casting the work in a prologue and three “images,” or short acts, Golijov and librettist David Henry Hwang make Margarita Xirgu, the Catalan actress who was Lorca’s friend and muse, the central narrator of the poet’s story. We first meet her backstage in a theater in Montevideo, Uruguay. It’s 1969 — over 30 years since Lorca’s death at the hands of the Fascist regime during the Spanish Civil War — and Margarita, attended by her young student, Nuria, is preparing to reprise her greatest role as the title character of Lorca’s play, *Mariana Pineda*. She slips into a reverie, remembering her first encounter with Lorca in the mid-1920s.

The second act harkens back to Spain in 1936; Franco’s forces have made the country “a river of mourning.” Lorca is one of their chief targets; led by Ramon Ruiz Alonso, the Fascists hound the poet, who is eventually arrested and executed at Ainadamar, the “Fountain of Tears” that supplies water for the city of Granada (along with thousands of others, his body was dumped in a mass grave.) The final scene returns to 1969; Margarita is dying, and Lorca’s spirit returns to reunite with hers. Death, the opera suggests, is the passage from a life of sorrow to an eternity of freedom.



Lisa Chavez as Federico García Lorca
with the Flamenco dancers led by La
Tania

Golijov illuminates these episodes with arresting music. Were Lorca and Margarita lovers? The libretto is ambiguous; at one point, Alonso savagely refers to Lorca as “faggot,” but in the 1930s — as in certain pockets of our culture today — simply being a poet could earn you that hateful epithet. Either way, the composer gives Lorca a gorgeous aria to Margarita — floated on luscious strings, it’s ardent and intoxicating.

The opera sags a bit after the poet’s death, but the final scene is transcendent; Golijov savors the sound of women’s voices — Lorca is a trouser role — and the trio for Margarita, Lorca and Nuria recalls the rhapsodic, long-breathed lines of Richard Strauss.

Lorca’s life and times prove fertile material for an opera; not since *Tosca* has the death of an artist been dramatized to such potent effect ... *Ainadamar* is an opera for our times, a memory drama recalling events we should never forget.

Staufenbiel’s staging was powerfully focused in every scene. The director introduced an atmosphere of mourning even before the opera began, as chorus members, dressed in bloodstained gowns as brides, widows, and children, wandered through the lobby looking like lost souls. (In the scene preceding Lorca’s arrest, Alonso insists that enemies of the state would be “exterminated, even with seeds in their wombs.”) Staufenbiel and designer Matthew Antaky (sets and lighting) devised a two-level stage with discrete playing areas. Christine Crook’s costumes helped delineate the shifts in time; Austin Forbord’s mordant video projections, aided by Jason O’Connell’s evocative sound designs, depicted horses, tanks and the devastation of war. A superb corps of flamenco dancers led by choreographer and lead dancer La Tania were seamlessly integrated into the action.

The cast was uniformly strong. Marnie Breckenridge was a luminous Margarita; the soprano imbued the role with graceful, otherworldly presence, rich, refulgent tone and a deep sense of her character's abiding grief. Mezzo-soprano Lisa Chavez was a deft, plush-voiced Lorca; and soprano Maya Kherani was a lithe, silvery Nuria. Jesus Montoya made an imposing Alonso, and John Bischoff imparted a measure of pathos to the role of the executioner, Tripaldi. Andres Ramirez and Ryan Bradford sang handsomely in their respective roles as the Bullfighter and the Teacher. The women's chorus, and a chorus of Ninas from the San Francisco Girls Chorus, produced celestial sound.

In the end, Lorca's life and times prove fertile material for an opera; not since *Tosca* has the death of an artist been dramatized to such potent effect. With its allusions to free speech, artistic integrity, torture, and political repression, *Ainadamar* is an opera for our times, a memory drama recalling events we should never forget.

SFGate

'Ainadamar' review: Uncommonly vivacious

By Joshua Kosman

Sunday, February 17, 2013



Flamenco dancer and choreographer La Tania (in white) performs in Osvaldo Golijov's "Ainadamar," about the life of poet Federico Garcia Lorca. Photo: Lance Iversen, The Chronicle

The remarkable thing about the latest offering from the ever-venturesome Opera Parallèle - a sumptuous and vividly sung production of Osvaldo Golijov's "Ainadamar" that had a three-performance run over the weekend at the Yerba Buena Center for the Arts - was how much it made of its ultra-thin source material. Sitting through Friday's opening performance was like watching a virtuoso display of crepe-paper origami.

Written in 2003 and subsequently revised for a 2005 premiere at the Santa Fe Opera, "Ainadamar" is a memorial paean to the Spanish poet and playwright Federico Garcia Lorca. It has a static, cliché-ridden Spanish-language libretto by David Henry Hwang and a rhythmically vibrant but predictable score that relies heavily on repetitions and bland filler merely to make it - gasping and panting with effort - to the 80-minute mark.

Yet conductor Nicole Paiement and director Brian Staufenbiel took this flimsy concoction and - operating gently but with winning determination - breathed enough life into it to let the piece stand on its own feet. The result was not exactly gripping, but it was impressive in its way.

"Ainadamar" unfolds in a series of flashbacks by Lorca's theatrical muse, the actress Margarita Xirgu. In the piece's outer frame, we encounter her backstage in Montevideo, Uruguay, in 1969, waiting to go onstage in the title role of Lorca's "Mariana Pineda." In private memories and conversations with her student, Nuria, she harks back to her first meeting with Lorca and to his murder in 1936 by Franco's Nationalists.

The piece is clearly conceived as a sort of passion play, which means that very little is really dramatized, or even given a distinctive identity. Lorca emerges like the hazy recollection of some old boyfriend, his political and artistic personality reduced to a series of empty slogans about freedom. The wrenching turmoil of the Spanish Civil War is flattened into a few pale snapshots of arrests and executions.

All of this might have come off more persuasively if Golijov's score - an amalgam of Flamenco rhythms and curling melodies in an Iberian-Arabic-Jewish vein - had lent it any character or shape. But the composer's main concern throughout seems to be how to get the most out of limited materials.

Golijov's MO in each scene is the same. He begins with a simple and sometimes compelling musical idea - a lusty duet for the two lovers as they prepare for a theatrical tour in Havana, or a beautiful instrumental chorale for strings and thrumming vibraphone - and then, rather than develop it, simply strings it out to the point of exhaustion.

All the more remarkable, then, that the mounting by Opera Parallèle, with the collaboration of the flamenco choreographer and dancer La Tania, made for a vivacious and intermittently affecting evening. Staufenbiel's resourceful staging, arrayed on Matthew Antaky's split-level set and intercut with video clips, moved deftly through the piece's different chronological tiers. Paiement led a propulsive, sensitive performance.

Though Lorca is the more famous personality, Margarita - who is onstage throughout - is the opera's central figure, and she was embodied in all her fierce integrity in a strong-voiced performance by soprano Marnie Breckenridge. Mezzo-soprano Lisa Chavez took on the trouser role of Lorca with plenty of dramatic fire and vocal richness, and there were fine contributions by soprano Maya Kherani as Nuria and baritone John Bischoff as a mildly sympathetic jailer.



Flamenco dancer-choreographer La Tania (in white) collaborated with Opera Parallèle to produce an evening of opera vivacious and intermittently affecting at Yerba Buena Center for the Arts. Photo: Lance Iversen, The Chronicle



Mezzo-soprano Lisa Chavez (left) brought fire to the role of Lorca, Marnie Breckenridge was a fierce Margarita and Maya Kherani contributed as Nuria. Photo: Lance Iversen, The Chronicle



Flamenco dancer and choreographer La Tania (in White) performs in San Francisco's leading contemporary opera company Osvaldo Golijov's Opera Ainadamar, " fountain of tears" Wednesday, Jan. 30, 2013 in San Francisco California. Photo: Lance Iversen, The Chronicle



Flamenco dancers perform in Osvaldo Golijov's Opera Ainadamar, " fountain of tears" L to R Cynthia Sanchez, Hilit Maniv and Gretchen Murdock Wednesday, Jan. 30, 2013 in San Francisco California.
Photo: Lance Iversen, The Chronicle



Opera singers Maya Kherani and Marnie Breckenridge perform in San Francisco's leading contemporary opera company production of Osvaldo Golijov's Opera, *inadamar* " fountain of tears" Wednesday, Jan. 30, 2013 in San Francisco California. Photo: Lance Iversen, The Chronicle

Continuing the work for a new generation: Opera Parallèle ‘Ainadamar’

That something extraordinary is afoot is evident even before the curtain opens as ghostly figures of small girls, white dresses matching white pancake, wend their way through the lobby, coursing slowly throughout the theatre.

By Cy Ashley Webb | 02.18.2013



Ainadamar



5 out of 5 stars - 'Outstanding - Starkie!'

Opera Parallèle

Nicole Paiement - conductor

Brian Staufienbiel - director

Margarita Xirgu - Marnie Breckenridge

Nuria - Maya Kherani

Federico García Lorca - Lisa Chavez

Ramon Ruiz Alonso - Jesus Montoyo

operaparallele.org

Opera Parallèle's *Ainadamar* is the most exciting opera to hit San Francisco in several years. This nuanced production operates on many levels, yet is easily embraced by folks who know little about opera or the Spanish Civil War. Like many of the offerings by Opera Parallèle, this striking work makes a resounding case for the vitality of contemporary opera.

That something extraordinary is afoot is evident even before the curtain opens as singular ghostly figures, white dresses matching white pancake, wend their way through the lobby, coursing slowly throughout the theatre, pausing to sit briefly before picking up a white bloodstained suitcase and moving on. Thus primed, the audience is open to appreciate the single deep horn leading the orchestra. Operatic, video, and dance elements are individually added, building slowly to a explosive crescendo in which electronic hoof beats organically morph into a flamenco heel dance. Leaving the audience breathless, a tripartite story of Federico García Lorca, his muse, Margarita Xirgu, and Mariana Pineda unfolds.

Not for nothing are these the people that embalm folk heros like Evita Peron, making the macabre an element of daily consciousness.



Soprano Marnie Breckenridge demonstrates such a breadth of dramatic range, vocal clarity and control that the haunting aria “Mariana, Tus Ojos” still echoes in my mind. No ornamentation is provided – and none is needed – for this achingly beautiful performance. She moves easily between the centuries, first as Margarita Xirgu, and again as Mariana Pineda, whose 1831 public execution by garrote in Granada inspired an early Lorca play.

Curiously, Federico García Lorca is a trouser role, performed by Lisa Chavez. He appears as dandy, only coming into himself during his exquisitely prolonged execution scene, in which the spray of bullets continue long last event itself, becoming part of a flamenco pattern.

The assassination of Lorca reads easily as a passion, even by those with only a passing familiarity with the Christ story. Not for nothing is his full name Federico del Sagrado Corazón de Jesús García Lorca. Some of this recontextualization is pointed, such as snippets of the libretto that read as biblical verses (“Here is my blood shed for thee. Drink it and tell my story.”). Like Christ, Lorca is assassinated with two others (in his case, a teacher and a bullfighter). Like

the reincarnated Christ, Lorca appears to his followers (in his case, Xirgu) after his assassination. Other elements are more subtle, such as the fingers of the dancers that surround his head like a crown of thorns when he is mocked, until ultimately, become they become like a halo.



Composed by MacArthur Fellowship winner Osvaldo Golijov, with a libretto by David Henry Hwang, this production pulses with Spanish intensity, and all of the Spanish theatre surrounding death. Not for nothing are these the people that embalm folk heros like Evita Peron, making the macabre an element of daily consciousness. While true even before the curtain opened, it's even truer at the end when the dead Lorca and Xirgu, hands entwined to carry a single suitcase, are joined by the San Francisco Girls Chorus, clad in white, bearing their own luggage. This use of children recalls Lorca's argument that an artist's work is never finished; it always has to continue for the next generation.

Photo Credit: Steve Di Bartolomeo

The New York Times

Dance Review

Breathtaking Feats of Footwork From a Master Choreographer

Richard Alston Dance at Peak Performances in Montclair



Andrea Mohin/The New York Times

Richard Alston Dance Company Hannah Kidd and other company members in the American premiere of "A Ceremony of Carols," at the Alexander Kasser Theater of Montclair State University.

By ALASTAIR MACAULAY

Published: December 14, 2012

MONTCLAIR, N.J. — Even 30 years ago, it was evident that the modern-dance choreographer Richard Alston was the foremost European dance maker after Frederick Ashton. Others — Pina Bausch, Matthew Bourne, Kenneth MacMillan — might qualify as the foremost European makers of dance theater, but when it came to the core business of building steps and movement into dances, Mr. Alston has long been in the lead.



Andrea Mohin/The New York Times

Members of the Richard Alston Dance Company with, in background, singers from the Prima Voce choir.

In the ballet world too, the composition and phraseology of individual dances from this century's best choreographers, Alexei Ratmansky and Christopher Wheeldon, do not equal Mr. Alston at his best. His quality, like that of all of those mentioned above, varies, but the triple bill his company is presenting this week as part of the Peak Performances series at Montclair State University's Alexander Kasser Theater is superb throughout.

America may take some credit for his barefoot idiom; he studied in New York in the mid-1970s with Merce Cunningham. And no other choreographer since Cunningham has made so powerful a use of the instep and the spine. When I first saw Mr. Alston's work in London in 1978, he was still working independently of music, in the Cunningham manner, though, even then, his use of falling off balance was quite unlike Cunningham's.

Though he made masterpieces then, the finesse of his dance composition has grown. Mr. Alston — who, like George Balanchine and Mark Morris, reads music — has become one of the most musical of all choreographers.

This Montclair program includes an American premiere of rare beauty and excellence, perfectly addressing this time of year and marvelously chosen for an American performance by a British choreographer: "A Ceremony of Carols." Its music was composed by Benjamin Britten as he sailed home to Britain from America during World War II.

During its course, there emerge poignant hints of both Jesus' crucifixion and the Virgin Mary's travail in his birth (in that order), but the work is far larger than those specifics. A study of community, ritual and worship, the multifaceted work poetically elicits a wide range of feeling.

Even more remarkable is Mr. Alston's 2011 Mozart work, "Unfinished Business." The title derives from the music: Mozart wrote the first [two movements](#) of his Sonata in F (K. 533) independently of the finale, which had been composed earlier. Here Mr. Alston supplies a different finale, Mozart material that was arranged for the piano by Ferruccio Busoni in 1909, the "Giga, Bolero e Variazione." Many will recognize the music in this Busoni piece: It combines Mozart's Giga (arranged by Tchaikovsky in his fourth orchestral suite, "Mozartiana") with the Spanish dance that makes so spine-tingling a contribution to Act III of "The Marriage of Figaro."

Few choreographers have the subtlety and craft to bring off a Mozart dance — Mr. Alston, like Balanchine and Mr. Morris, has sometimes failed — but this one succeeds. The first movement's development of melodic ideas leads to an alternation of solo and ensemble. The soloist is Liam Riddick, who, like Pierre Tappon in the finale, shows a springing footwork, rhythmic intricacy and pliancy of torso that make both men the latest in a long line of Alston male virtuosos that goes back by way of Henri Oguike (in the 1990s) and Michael Clark (in the early 1980s) to Tom Jobe ([in the 1970s](#)).

The second movement is even better. A duet astonishingly sustained for more than 10 minutes, it is danced by Elly Braund and James Pett, fluently and beautifully conveying an extraordinary mutuality seldom seen in American dance: here the woman takes the man's weight; there the man takes the woman's; now both dance the same steps and hold the same lines, with a conversational give-and-take that sells us no agenda about how men and women should cooperate but simply exemplifies complex and lyrical courtesy.

In this century only Cunningham has made duets as compelling as this, but the tradition that Mr. Alston expands on here is that of the duets Ashton made for Antoinette Sibley and Anthony Dowell from 1964 to 1983 (still stylistically advanced today). We see how much man and woman have in common (not least in shared physical line) — and our notion of both sexes is extended by the grace of their dialogue.

In the third movement, the solo danced by Mr. Tappon to the Giga does not pale even beside Balanchine's quite dissimilar male solo to the same music in his 1981 "Mozartiana"; with higher energy and covering more space, it brings out the same quality of subversive eccentricity in the music.

Mr. Tappon, whose feet give him a sensational liftoff in jumps, is strikingly assertive, a mold breaker; Mr. Riddick, a quieter personality who returns to the stage in the third movement, has compelling grace and physical dexterity.

With all the dancers here, footwork is thrilling. The amazing speed of sideways hops, the explosive power of forward-traveling temps levé steps (jumps from and to the same foot in which the raised leg opens with force equal to that of the hopping one), and the linear grace with

which one toe is placed by the knee of the other leg (retir ) change your breathing while you watch.

These virtues, like the wonderful freedom with which the torsos bend, distinguish the program's opening and most exhilarating work, "Roughcut" (1990), an Alston classic to two Steve Reich pieces (the 1986 "New York Counterpoint" for clarinet and tape, and the 1987 "Electric Counterpoint" for guitar and tape). I love the sensuousness with which Alston reveals the music's shifting colors. Buoyant dances for Mr. Tappon and other men to birdsonglike clarinet, and intricate duets for Hannah Kidd and Mr. Riddick to soft guitar are among the many moods of this complex ensemble work.

Another of the evening's virtues is its use of live music in two works. With the pianist Jason Ridgway onstage for the Mozart/Busoni, you can see the play between him and the dancers. For "A Ceremony of Carols," Andr  Tarantiles plays harp in one corner of the stage, and the entrance and exit of the all-female Prima Voce singers make an eloquent theatrical contribution to this marvelous premiere. There are several recordings of this great Britten piece, but to hear its sonorities in live performance gives them a new dimension.

Poetry Flash receives Barbary Coast award

By Evan Karp

Wednesday, October 3, 2012



Poetry Flash editor and publisher Joyce Jenkins, in her Berkeley office: "We really tried to make it ... as all-encompassing as we could." Photo: Liz Hafalia, The Chronicle

What is Poetry Flash? Well, that depends on what period you're asking about.

"The Literary Review and Calendar of the West," as it calls itself, has transformed itself often over the past 40 years, bringing the Bay Area literary community along with it. Now what many people call simply the Flash is on the verge of yet another evolution as it prepares to be honored this year by Litquake with that organization's prestigious Barbary Coast award.

Started by creative-writing students at San Francisco State University as an 8-by-14 mimeo listing of seven readings in November 1972, Poetry Flash became more than a calendar as early as the second issue, when founder Jon Ford published short, snarky event reviews that would make the Flash infamous. Simply having a sort of bulletin board people could depend on resulted in more readings and better attendance, as well as more conversation about the poetry itself and the Bay Area poetry scene.

"We were actually making it happen," says Joyce Jenkins, who has served as editor since 1978 and as publisher since 1980. "We were hand-collating each issue, and it kept getting bigger, and there kept being more events and more reviews." Jenkins has thick, free-flowing gray hair and thin, silver-rimmed glasses.

"You see, there wasn't the Internet; there wasn't anything like it. There was no place for people to go other than maybe an academic literary magazine or something like that, and so it really helped people. If they went out on a limb and said every Thursday we're going to gather at the Grand Piano, or Cody's, or some other place to have a series, the people who should know about it would know about it because they'd see it in the Flash."

Almost comically, the future of the Flash was threatened in 1978 due to an outstanding \$75 bill from Hoover Printing Co., the mom-and-pop shop where the paper was assembled each month. Most of the Flash staff, overworked and exhausted, decided to quit. Richard Hoover offered to absorb the cost if he could take over as publisher, and Steve Abbott was willing to serve as editor and assemble a new team.

Abbott recruited Jenkins as associate editor, Tim Jacobs and Alan Sudolfsky stayed on as contributing editors, and Richard Silberg came on four months later.

The new staff doubled circulation to 5,000 and implemented new features such as interviews with series coordinators and a column focused on which magazines were soliciting what sort of submissions. Poetry Flash also began to print letters from readers, making the poetry scene more of a dialogue than ever.

Started series

In 1982, the Flash started its own series, taking over the weekly readings at Cody's, which they've produced consistently ever since. Now alternating between Oakland's Diesel, A Bookstore and Moe's Books in Berkeley, they've outlasted three separate host bookstores.

Shortly after Jenkins took over, the editorial vision moved toward lengthier essays on books that, she says, "would never get that treatment anywhere else." In his introduction to "Reading the Sphere," a collection of critical essays originally published in Poetry Flash, Silberg explains that his mission, in part, has been "to bring poetries together, to set them sympathetically side by side in the pages."

"We just kept building it and tried," Jenkins says. "We really tried to make it as reliable and as solid and as all-encompassing as we could." She takes a rare pause. "We've definitely tried to create - and I think accomplished - a dialogue between those diverse, disparate elements of what essentially is a community, even if they don't realize it half the time."

Since 1981 Poetry Flash has supported the Northern California Book Awards, officially becoming its organizational home, awards producer, and fiscal sponsor in '96. Every year, an independent panel of volunteer book reviewers decides the best books published between Fresno and Oregon.

Environmental festival

Also annual is the Watershed Environmental Poetry Festival, which Poetry Flash created with Robert Hass when he was appointed U.S. poet laureate in 1995; the festival serves as a platform to talk about the relationship between writers and the environment.

Poetry Flash has appeared as a tabloid since 1983, when Jenkins decided that hand-stuffing 6,500 copies of 12 book-stock pages every month was not the best use of the staff's time. This made it possible for the Flash to more than triple its production, peaking at a circulation of over 22,000 copies per month. That ended at the close of 2007, when the publishing industry was crippled by the recession, and the Flash moved from a monthly to a quarterly schedule. Finally, in the winter of 2011, the Flash published its final quarterly in print.

Although the Flash has published a lot of online-only material since 2000, last June, it began publishing separate issues online as well as every month, reaching about the same number of people it did when it existed as a print tabloid.

New issues, biannual and designed to work in tandem with the website, will focus not on the calendar but on feature articles as well.

"You have to continually learn," Jenkins says. "You just have to keep learning and keep trying to find a way to make it work."

Throughout its many changes and incarnations, the mission of Poetry Flash remains unchanged: to build community through literary activity. What that means, and how that happens, is something you can find in a flash.



Director Joyce Jenkins of Poetry Flash sitting at the office in Berkeley, Calif., on Thursday, September 27, 2012. Photo: Liz Hafalia, The Chronicle

The New York Times

Opera Review

Stretching the Boundaries of Opera

By GEORGE LOOMIS

October 16, 2012

AMSTERDAM — The British composer George Benjamin's first opera reportedly had a gestation period of 20 years, most of it occupied by the search for a libretto, and the finished product, "Into the Little Hill," a retelling of the Pied Piper story, turned out to be just 40 minutes long. When Mr. Benjamin's highly self-critical approach to composition is factored in, it might seem that the task of writing a full-length opera would be too much.



Bejun Mehta, left, Christopher Purves and Elin Rombo in George Benjamin's "Written on Skin" in Amsterdam. **Ruth Walz**

But he decisively proved that supposition wrong with "Written on Skin," which was enthusiastically received at its premiere in July at the Aix-en-Provence Festival. Now at the Netherlands Opera, the 100-minute opera, based on a story by the 13th-century Occitan poet Guillem de Cabestaing, which has inspired other artists, including Boccaccio and Stendhal, has started to make the rounds of four European opera houses that, with Aix, co-commissioned the opera and the absorbing production of it by Katie Mitchell.

Its title may suggest that “Written on Skin” contains sex and violence, as Mr. Benjamin and his librettist, the British playwright Martin Crimp, must have recognized. Sex and violence are indeed there, but the title (with skin standing for parchment) actually refers to how books were created in the Middle Ages. It must have been a benighted time, given the treatment the so-called Protector accords his wife, who is variously called the Woman or Agnès, her real name.

A successful landowner who regards the Woman’s body, like the surrounding trees and fields, as his property and who burns villages for the supposed protection it affords, the Protector is less inherently malicious than the product of his time, though he does suffer the sin of pride. To demonstrate his status, he engages the Boy to write a book, inviting him to move into his house. Once there the Woman and even the Protector are drawn to him, with fatal consequences.

As with “Into the Little Hill,” for which Mr. Crimp also wrote the libretto, “Written on Skin” take pains to avoid the pitfalls of traditional narrative opera. Characters speak lines in their own right and also as narrators, often within the same sentence. Thus, the Woman will say something, then add the words “said the Woman,” a formulation that, while supplying a certain distancing, becomes predictable.

More consequential is the presence of so-called Angels from the present day who mastermind the telling of the story. The Angels (including one who doubles as the Boy) seem deliberately shrouded in obscurity by Mr. Crimp to heighten an element of mystery, but they also supply a contemporary perspective, which sometimes touches the story as well. In a departure from the opera’s deadly seriousness, the Protector asks the Boy what he is thinking about and is told that someday an eight-lane highway will run through their forest. Mr. Crimp’s literate, dramatically strong libretto inspired a superb score in which Mr. Benjamin, a former student of Olivier Messiaen and Alexander Goehr, remains true to his Modernist roots while showing an unusually keen ear for sonorities. As with later works of Elliott Carter, his music holds euphony in high regard.

The opera’s vocal lines are eminently singable, yet Mr. Benjamin’s approach also makes for an expressive palette that makes love-music possible. When Agnès and the Boy first hint at their desire for each other, their voices join in a flowing passage whose fundamental element is a major third. Their ensuing love duet is more akin to “Pelléas et Mélisande” than “Tristan und Isolde” yet quietly grows in intensity. Early on a cello complements the voices with double stops; as passion builds, winds quietly reiterate a minor third. And finally a thumping rhythmic pattern takes over in the bass while Agnès, suddenly aware of her identity, cries out her own name.

“Written on Skin” proceeds at a slow pace, but Mr. Benjamin’s meticulous writing for an orchestra of 60 keeps tension high. In the opera’s climactic scene, the Boy gives the Protector a “secret page” from the book, in which, encouraged by Agnès, he has described their love. Agnès — who, as a woman, cannot read — nervously complains that it is in prose, with no illustrations, as Boy calmly announces his work is done; all the while the Protector, silently reading of his betrayal by both his wife and the Boy, disintegrates emotionally, later acquiescing, with trembling voice, in her plea that he read the page aloud.

If "Written on Skin" has a major flaw, it is that it goes on too long after this brilliant scene. A subsequent incident of cannibalism misfires, coming off as less shocking than distasteful.

Ms. Mitchell's direction deals compellingly with the opera's deliberate pacing by ensuring that the principals' every gesture has meaning. Vicki Mortimer's compartmentalized décor creatively sets most of the action in a single, dreary room for the Protector and Agnès; a forest is on one side and on the other, as well as above, are modern workrooms for the Angels. Jon Clark's lighting is both effective generally and helps to demarcate the opera's scenes.

The baritone Christopher Purves, in strong voice, vividly projects the Protector's emotional turmoil. Elin Rombo, a soprano, sings handsomely and with growing assertiveness as Agnès comes into her own. Bejun Mehta, one of today's finest countertenors, superbly conveys the Boy's innocence as well as his inner strength with saintly tone. Victoria Simmonds and Allan Clayton make significant contributions as two Angels and, respectively, Agnès's sister Maria and her husband, John.

Mr. Benjamin himself conducts, drawing playing from the Netherlands Chamber Orchestra that has all the precision and nuance his new score requires.

The work was commissioned by the Aix-en-Provence Festival, the Royal Opera House at Covent Garden in London, the Nederlandse Opera in Amsterdam, the Théâtre du Capitole in Toulouse and the Teatro del Maggio Musicale Fiorentino in Florence.



Ruth Walz

Ms. Rombo and Mr. Mehta in "Written on Skin."

Written on Skin – review

Royal Opera House, London



By Erica Jeal, March 10, 2013



Weird and wonderful ... Written on Skin. Photograph: Tristram Kenton

Even the greatest [opera](#) composers tend to have a few early attempts that get [swept under the carpet](#). [George Benjamin](#), however, seems to have come to opera with his genius fully formed. *Written on Skin* is not his first music-theatre work – that was [Into the Little Hill](#), a chamber piece from 2006 – but it is his debut full-scale opera, the fruit of an ambition stretching back more than 20 years, and as such it is nothing short of a triumph. As soon as it had finished, I wanted to hear it again.

Premiered in [Aix-en-Provence](#) last summer, it retells a 13th-century southern French ballad. The Protector, a ruthless landowner, commissions the Boy to make a book recording his glory. But the skin of the title is not only the book's parchment: it's also that of the Protector's wife, whose sensuality and defiance are simultaneously awakened by the Boy. She ends up being unwittingly served his heart as her final meal.

The opera is now due to be taken up in so many other theatres that a life beyond Katie Mitchell's premiere production, designed by Vicki Mortimer, seems certain. Seen here and in Aix, Mitchell's staging puts an additional gloss on the work in that the narrating Angels – excellently sung by [Allan Clayton](#) and [Victoria Simmonds](#) – are part of a team of archaeologists. Half of the stage is their world – two harshly lit modern rooms in which they catalogue the finds that, presumably, let them piece together the story being told in the medieval rooms next door.

Their physical prominence, and the way in which they act almost as stage managers manipulating the three main characters between scenes, makes this seem like it might be an opera about archaeology. Which it isn't – though it is at least partly about the ownership of stories, and the two are not unconnected. And it is bookended by images of "the Saturday car park" yielding up ancient lives buried beneath – an image that is now, thanks to [Richard III](#), more vivid than [Martin Crimp](#) could have imagined when he wrote it.

Crimp's text has the main characters talking about themselves in the third person, narrating their own actions; though highly artificial, it's surprisingly easy to accept, and it means we get to hear their thoughts almost before they think them. You might think that this conceit would limit Benjamin's scope, given that it is his music's job to get us inside the character's heads. But it is the music that makes the piece. The score, which Benjamin conducts himself, calls for a large orchestra, yet we get only fleeting glimpses of its full power. Instead Benjamin weaves narrow lines around his singers, cradling each word, revelling in evocative sonorities. The weirdest and most wonderful comes in the seduction scene: [a bass viol](#) and a [glass harmonica](#) intertwine in a gently rasping glow, sparse yet achingly sensual, and the air crackles with tension.

Would the opera work so well without a Protector as adept at portraying cruel, complex characters as baritone [Christopher Purves](#), or a soprano combining fierce presence with such pure tone as [Barbara Hannigan](#), or a countertenor Boy sounding as beguiling and other-worldly as [Bejun Mehta](#)? Perhaps not quite. But it would still be a musical masterpiece.

The Telegraph

Written On Skin, Royal Opera House, review

Rupert Christiansen reviews the new opera *Written on Skin* at the Royal Opera House.

★★★★★

By Rupert Christiansen

March 10, 2013



Barbara Hannigan as Agnes, Bejun Mehta as Boy in *Written on Skin* Photo: Alastair Muir

It's not often that I've had cause to trumpet such a claim, but here is a new opera that is palpably a serious and important work of art, both exquisitely crafted and deeply resonant.

Written on Skin plays without an interval as a ninety-minute triptych. Its composer George Benjamin and librettist Martin Crimp - the quality and intensity of their collaboration requires equal creative billing - intend an allegory of some sort, but it is an opaquely inscrutable one that does not easily yield specific meaning.

A cruel and complacent medieval castellan commissions a nameless artist to produce an illuminated manuscript. The castellan has an illiterate and oppressed wife: she and the artist (who might be an angel) fall in love and at her urging, what he paints begins to reflect their relationship. The castellan senses what is happening and takes gruesome revenge.

The fable is loosely drawn from a Provençal ballad, but its peremptory violence and latent eroticism also give it the flavour of a Brothers Grimm fairy tale: in bare narrative outline it may seem simple enough, but as it echoes and distorts and surprises, the tale insidiously suggests that we see others only through a glass darkly: human motivation is a murky business.

The sense of oddity and alienation is enhanced by the way that the characters simultaneously both enact and narrate their own stories, as well as making disturbingly anachronistic references to car parks and shopping malls. Nothing here is quite what it seems.

Benjamin's score is intricately woven into the text and story, as though illuminating a manuscript itself. In its dreamy yet crystalline beauty, it shows the lineaments of Debussy's *Pelléas et Mélisande*, with richly expressive vocal lines and delicately lucid instrumental colouring (including bells, viols and glass harmonica) which evokes another world without resorting to cliché or pastiche. And for all the slowness of outward pace, the dramatic tension never slackens and the brutal climaxes are stupendous. This is music of genius.

Katie Mitchell's production was much disliked when the opera was premièred at Aix last summer, but it seems to me immaculately choreographed and imaginatively sensitive to the opera's implications and mood. It also draws superb performances from a flawless cast: Christopher Purves (the castellan), Barbara Hannigan (his wife), Bejun Mehta (the artist), and Allan Clayton and Victoria Simmonds as the choric angels, who seem to instigate as well as observe the action.

Benjamin's conducting of his own music was literally authoritative, and the orchestral playing was ravishing. After a long run of mediocrity at the Royal Opera, what joy to encounter something as enthralling and enchanting as this.

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MUSICAL EVENTS

ILLUMINATED

George Benjamin's long-awaited masterpiece.

BY ALEX ROSS

The raw musical talent of the British composer George Benjamin has never been in doubt. In 1976, when he was sixteen, he went to Paris to study with the august Olivier Messiaen, who compared him to Mozart. By the age of twenty, he was receiving ovations at the Proms, in London's Royal Albert Hall. Such early acclaim might have bred arrogance in some artists, but in the case of Benjamin, a congenial and unassuming man, it seemed to have the opposite effect, engendering caution. Between the ages of twenty and fifty, he worked with conspicuous slowness, often spending years on a fifteen- or twenty-minute piece. The adjectives "exquisite," "fastidious," and "immaculate" followed him around in the press, leaving the impression that he was a miniaturist, a creator of musical jewel boxes, rather than the kind of composer who could shake you to the core.

Benjamin's first large-scale opera, "Written on Skin," which had its première last summer, at the Aix-en-Provence Festival, and is now playing at the Royal Opera House, in Covent Garden, demolishes that image. The craftsmanship remains: more than a few pages of "Written on Skin" are as immaculate as anything that Benjamin has written, or, for that matter, anything composed since the heyday of Ravel. The score is magnificently free of clichés and longueurs. Orchestration teachers will add it to the curriculum, and students will marvel at the mind that could blend oboes, muted trumpets, pizzicato strings, and bongos into one scuttling, insectoid instrument. Yet the opera smolders with darker, wilder energies. Benjamin has found a way of painting on a large canvas, indulging in grand gestures while maintaining his fabled control of detail. He has also pulled off a tremendous feat of stylistic integration, fusing the legacy of twentieth-century modernism with glimpses of a

twenty-first-century tonality. Even the composer's most committed admirers are a little shocked: "Written on Skin" feels like the work of a genius unleashed.

The libretto is by the playwright Martin Crimp, with whom Benjamin collaborated on his only previous attempt at music theatre, the 2006 chamber opera "Into the Little Hill." That piece was an oblique take on the story of the Pied Piper of Hamelin, and "Written on Skin," too, rings modern variations on ancient material—the legendary life of the Catalan troubadour Guillem de Cabestany. Like "Pelléas et Mélisande" and "Wozzeck," two operas that lurk behind it, "Written on Skin" is a love triangle with an unhappy outcome. In the original telling, Guillem falls in love with his patron's wife, Agnès, and sings her praises. When the lord finds out, he kills Guillem, removes his heart, cooks it, and serves it to Agnès, who, on learning what she has consumed, swears that she will never again eat or drink, so that she can preserve her lover's taste in her mouth. Fleeing her husband's wrath, she runs to a balcony and throws herself to her death.

Aware that too many operas have ended with a woman's perishing, Crimp questions the premises of the genre as he goes. The plot is framed by a trio of contemporary angels who conjure away our world—"Strip the cities of brick . . . strip out the wires and cover the land with grass"—and summon medieval times. The present keeps bleeding through, however; at one point, the Guillem figure, who here becomes a painter of illuminated manuscripts and is called the Boy, has a vision of "this wood and this light . . . cut through by eight lanes of poured concrete." At intervals, listeners are reminded that in this recovered past Jews are being stoned, that criminals are being tortured, that male bonding can mask

homoerotic desire, and, above all, that women are being confined to a status of illiterate obedience. Agnès, whose first word is a defiant “No!” pushes the Boy to depict the world as it really is and, in her final utterance, suggests that the tale of their love will help to liberate those who hear it.

Benjamin’s score conveys a similar ambivalence about the conventions of operatic doom. It begins with an orchestral melee—brass, winds, and strings swirling into astringent dissonances. Such acts of harmonic aggression are commonplace in the annals of modern music: in Berg’s “Lulu,” a twelve-note barrage signals the murder of the title character. But Benjamin’s dissonances are not just signals of horror. They have their own organic logic, and tend to resolve into simple, sustained intervals. They come across as anguished assertions of will. And in the climactic scene of the grisly meal the chords trade hands in a significant fashion. At the beginning, a series of screaming six-note sonorities frames the icily detached voice of the lord—called the Protector—as he serves his cannibal dish. By scene’s end, as Agnès wends her way toward a convulsive high C, the same chords recur in clipped bursts, their ferocity converted to her cause.

An epilogue adds a dimension of cosmic mystery to an already intricate construction. The angels, observing Agnès’s fall, whisk us back to the paved-over present, their eyes exhibiting “cold fascination with human disaster.” In an interview, Crimp said that he had in mind Walter Benjamin’s famous description of a painting by Paul Klee—the “angel of history” who surveys the wreckage of the past while being blown backward into the future. The opera ends with a similarly fraught image of progress. The lower orchestra heaves a Mahlerian sigh of grief, with a hint of D major darkening to D minor. A glass harmonica and a bass viol float eerie sonorities, suggestive of wan light. But the dominant sound comes from that twitchy ensemble of oboes, trumpets, strings, and bongos, dancing enigmati-

cally in place. The last sound you hear is a high C on the violins, echoing Agnès’s final cry, with maracas rustling underneath. It feels like a question mark hanging over the future of the species.

The inaugural production of “Written on Skin” is by the restlessly inventive theatre director Katie Mitchell. At the outset, contemporary figures flit about in a fluorescent-lit laboratory,



“Written on Skin,” at Covent Garden.

apparently engaged in the restoration of a medieval manuscript. So immersed are they in their labors that they begin to reenact the story. The conceit produces some gripping images—at the end, Agnès moves in slow motion up a white concrete stairwell—yet the behind-the-scenes activity periodically disrupts the ebb and flow of the music.

Between the second and third scenes, anticipating another entrance by the omniscient angels, Benjamin writes a magical transition in which triads melt into lush dissonances. Onstage, Mitchell’s bustling figures seem indifferent to the gorgeous blossoming of the sound. Future stagings, and they will come, should seek a more fluid response to the opera’s tricky temporal structure.

The opening-night cast at Covent Garden, which duplicates that of the premiere in Aix, last summer—there is a recording of those performances, on the Nimbus label—had no weak links. The soprano Barbara Hannigan gave a vivid, exacting portrait of Agnès, her voice secure up to high C. The rich-voiced baritone Christopher Purves added wily nuances to the menacing Protector. The countertenor Bejun Mehta exuded sacred passion as the Boy and as the lead angel, airily executing the Handelian ornaments that Benjamin wove into the part. The composer conducted, eliciting lustre and heat in equal measure.

Covent Garden has done Benjamin a favor by lowering ticket prices for the run: the most expensive seats are sixty-five pounds, the cheapest three pounds. The less moneyed classes are, as a rule, more open to new music, and there were no empty seats on the first night. The company used the same scheme for a January revival of Harrison Birtwistle’s “The Minotaur,” which had its premiere at the house in 2008. It is a grungy masterpiece in an unrepentant brutalist style, with a production, by Stephen Langridge, that wallows in violence and gore. Despite those elements—or, more likely, because of them—the run was essentially sold out. For coming years, Covent

Garden has announced commissions from Georg Friedrich Haas, Thomas Adès, Mark-Anthony Turnage, Unsuk Chin, and Kaija Saariaho, among others. Against all odds, London’s plush old house has established itself as a global center for new opera. In comparison, the Met, for all its technological pizzazz, looks archaic. ♦

SFGate

'Placas': Overcoming gangs' imprints

By Chad Jones

September 2, 2012



Playwright Paul S. Flores

Photo: Courtesy S.F. Int'l Arts Festival

Andrew Wood was understandably proud of the world-premiere play he had helped bring to life as he handed out promotional postcards earlier this summer at a performance of the San Francisco Mime Troupe.

But when some people glanced at the card and figured out the play, "Placas: The Most Dangerous Tattoo," had something to do with gangs, they actually handed the postcard back to him.

As executive director of the San Francisco International Arts Festival, one of the producers of "Placas," Wood knows he has his work cut out for him promoting a new play about a family with deep connections in the gang world.

"If you read the newspapers and believe what they're saying, why would you want to give these people the time of day? It's dealing with the devil," Wood says. "But I would tell you this play is more than entertainment. It's a political piece, a morality tale. It's about a family and about redemption."

Written by Paul S. Flores and based on several years of research and interviews with gang members in the Bay Area, Los Angeles and El Salvador, "Placas" tells the story of Fausto Carbajal, a husband, father and ex-gang member just out of prison after nearly a decade.

Fausto returns to his Mission home to find his teenage son, Edgar, falling into gang life. In an effort to be a responsible father and break the cycle of gang violence that has plagued him for most of his life, Fausto agrees to the terms of his parole and will have his gang-identified tattoos (or "placas" in street lingo) removed.

Salvadoran experience

Ricardo Salinas, a Salvadoran immigrant who grew up in the Mission District and a founding member of the revered comedy trio Culture Clash, plays Fausto. He says he was attracted to Flores' script because it reflects the Salvadoran experience.

"Paul captures the language, the feel, the music, the vibe," Salinas says. "The play reflects people I know and takes us down a path that is so real. In the end, though, it's about the love. Paul shows how hard-core these people's lives are, but somewhere there has to be love. There's so much negativity associated with gangs, but behind all of that, here's a family that wants to survive."

Flores worked closely with director Michael John Garcés on shaping the script and based some of the Fausto character on Alex Sanchez, a former gang member and founder of Homies Unidos, a nonprofit gang violence prevention and intervention organization.

Sanchez was instrumental in helping Flores sit down with more than 60 current and former gang members of all ages, and Flores says the directive from many of these men was to break the gang stereotypes they see on TV and in movies.

"They said there's never anything about the love," Flores says. "They wanted me to show the camaraderie of the guys and how they have each other's backs and make sacrifices for each other. I heard that, but I didn't want to romanticize it. These are the same guys who might shoot you. But I did want to show there's a range of human emotion and experience in these guys' lives."

Major consequences

It's an experience that Flores describes as "epic" because when choices are made, good or bad, there can be major consequences.

"What a gang member has to go through to be human is huge," Flores says. "There's a mangled sense of identity, of life outside the gang clashing with the code of the gang. How do you recover from that? How does a man like Fausto recover his humanity after a lifetime of war and violence?"

The answer to that question intrigued Salinas enough to commit to the role of Fausto while Culture Clash is, in his words, on "unofficial hiatus." He knows firsthand about gang violence having been almost killed by a gunshot when he tried to stop a fight in front of his Mission home in 1989.

"I know I was given a second life," Salinas says. "I felt time was short and I didn't want to do anything just for a laugh. I wanted to say something. And this play says something about missed opportunities and getting it right. The homies challenged Paul to show there's love, and he's doing that."

Pain and violence

"Placas" is a play about war, gangs, immigration and tattoos that are supposed to mark you for life. Potential audience members, like the ones who refused to take a postcard, may come expecting pain and violence.

"They're going to get that," Flores says. "It's a tragic and painful story. But if we can convey the message that there is love in this experience, I think that would shock people."

More than ink

By Robert Avila | 09/04/2012

Mission gangs and tattoos are the stuff of a dynamic experiment in theater activism, as Paul S. Flores' *Placas* moves from page to stage



Culture Clash co-founder Ric Salinas stars in *Placas* as Fausto, a former gang member seeking redemption
GUARDIAN PHOTO BY AMANDA LOPEZ

THEATER In 2009, Paul S. Flores was at work on his new play, *Placas: The Most Dangerous Tattoo*, in consultation with Alex Sanchez, founder of Homies Unidos, when a call came from Denver that brought everything to a standstill.

Federal agents were then cracking down nationwide on Mara Salvatrucha (or MS-13), the notorious Salvadoran gang that arose in 1980s Los Angeles among refugees of El Salvador's US-fueled civil war and later spread in a loose network across North and Central America. Locally, U.S. Immigration and Customs Enforcement (ICE) had launched Operation Devil Horns on the Mission District's 20th Street contingent. In Denver, flummoxed MS members called Sanchez (a staunch, internationally-respected Salvadoran-born peace activist whose former MS affiliation made him a natural confidant to some) with news of the raids.

Flores, whose play concerns a Salvadoran family impacted by gang life in the Mission, had already interviewed over 60 active and non-active MS members in Los Angeles, San Francisco,

and El Salvador. No easy feat, it required a strict adherence to gang protocol, respecting the conditions set by the subjects for their cooperation.

"I had to hide all my video," remembers Flores. "I had to give it to the reporter [who was helping us] so he could hold it under First Amendment rights — because I didn't want anybody coming to my house looking for evidence on any of these guys. It's not like they were telling me who they killed or who they robbed, but these were active and non-active gang members. If you wanted to find out who was who, you could have looked at my videos."

The crisis passed, and Flores went back to work. But the moment speaks to the international context and complexity of the subject he had set out to dramatize.

In fact, the project, which did not originate with the playwright, was always rooted in the concerns of the local Latino community (particularly its Salvadoran population) as well as larger socio-economic and political realities. The idea for a play about Mission gangs came from Ana Pérez — executive director of the Central American Resource Center (CARECEN), an organization devoted to immigrant family rights and well-being in the Bay Area — soon after the 2008 Bologna family killings in San Francisco's Excelsior District, which were linked to MS-13 members. Pérez brought the idea to Andrew Wood, executive director of the San Francisco International Arts Festival, who agreed to help produce it (with Mission Cultural Center for Latino Arts coming in as third co-producer). Together they recruited Flores to write it.

Flores isn't Salvadoran, he's of Cuban and Mexican extraction, but as a longtime community and youth violence prevention activist as well as prominent Latino artist (a writer-poet well known for, among other things, his work as co-founder of Youth Speaks), he was clearly the most knowledgeable and expert person around. A Mission denizen since 1995, his work in juvenile hall and counseling centers already connected him to the marginalized and at-risk youth of the neighborhood. And his artistic work specifically bridged youth culture and political theater. *Placas* — a title referring to barrio slang for tattoos, graffiti tags, or a nickname — would be his sixth full-length theatrical production. Still, Flores admits he had no idea what he was getting into.

"I never thought I'd get in this deep, to being in El Salvador in a prison talking to MS members and getting their permission to interview them. That was very cool," he says respectfully. "Then realizing what was at stake. Having to meet in secret with these guys, having to pay them to interview them — people's lives were at stake."

But his research proved remarkably fruitful, despite initial suspicion from people who thought he was probably a cop pretending to be a playwright. "They didn't tell me about their crimes," he explains, describing heart-to-heart conversations with young men eager to dispel characterizations of themselves as monsters or thugs. "They were going to tell me about what makes them hurt and what makes them feel love. And that's what I was looking for."

ENTER RIC SALINAS, NATIVE SON

Placas opens this week at the Lorraine Hansberry Theatre — a venue chosen partly for its location in neutral territory outside the Mission, where the rivalry between Sureños and Norteños (Southern and Northern gangs) makes staging the play impossible.

In a crucial coup for the production, its main character, Fausto, is played by Ric Salinas, the Salvadoran-born co-founder of Culture Clash, the now LA-based but Mission-bred Latino theater trio and political-satirical juggernaut. Fausto is a middle-aged former gang member back after deportation and years in prison who hopes to reunite with wife Claudia (Cristina Frias) and teenage son Edgar (Ricky Saenz), who is himself just becoming involved with gang life and resists his father's belated call to *familia*. As a condition of his parole, Fausto is also getting his old gang tattoos removed (a literal and serious issue that the play subtly expands into a metaphor for identity and renewal).

Salinas says he signed onto the project enthusiastically after reading Flores's heavily researched script.

"I remember telling him, 'Wow, I don't think anyone has ever done this.'"

In a play that draws sometimes verbatim on the real lives of the gang members and former gang members, and the concerns and dynamics of the larger Salvadoran community, Fausto comes particularly indebted to the experiences of Alex Sanchez and another unnamed source the playwright has by necessity kept secret.

Salinas himself, however, shares a particularly violent but formative identification with Fausto, whose opening monologue describes surviving a near fatal shooting — and seeing it as a call to devote himself to his son. In 1989, at the height of the crack epidemic, Salinas was nearly killed in a gang-related shooting, as he attempted to prevent a fight at Harrison and 25th Streets. It had an impact not only on him personally, but on his then-budding career as an artist.

"A 17-year-old kid shot me with a sawed-off shotgun. I survived it; it was a miracle. It gave me a second outlook on life, and it also gave Culture Clash a new outlook: whenever we did something onstage [from then on], it was about something. We weren't going to just be doing comedy for comedy's sake."

Salinas, whose gentle influence on the project has been another important source of the script's vitality and verisimilitude, is confident the play will not only be involving but will begin conversations long overdue.

"If it starts with the gang, then it will continue with, 'Ok, who are these people? Who are Salvadorans? What's a pupusa?'" The actor then recalls with a laugh the song his mother thought should also be represented, a staple of every Salvadoran home.

"It's 'La Bala' by Los Hermanos Flores. So it's going to be in the play now. This is me educating Paul, and my mom reminding me. It's really going to be rich in some authentic stuff that's never seen, you know? But the thing is, it's going to open up dialogue."

PLACAS

Through Sept. 16

Opens Thu/6, 8pm; runs Thu-Sat, 8pm and Sun, 3pm, \$13-\$35

Lorraine Hansberry Theatre

450 Post, SF

www.sfiaf.org

‘Placas’ delves deep into gang life

By Jean Schiffman | 09/05/12



Ric Salinas (above left) and Juis "Xago" Jarez appear in "Placas: The Most Dangerous Tattoo," by playwright Paul S. Flores. Photo: Bob Hsiang

If Paul S. Flores’ “Placas: The Most Dangerous Tattoo” has the trappings of a modern-day Greek tragedy, that’s no surprise to the San Francisco playwright. “I think that tragedy comes natural to me,” he says. “I don’t know if that’s because I’m a poet by training, or because my natural perspective is to identify the pathos in tragedy — not that I don’t enjoy comedy!”

In fact, he solicited Los Angeles actor Ric Salinas of the comedy trio Culture Clash for the 12-character, six-actor world premiere.

Co-presented by the San Francisco International Arts Festival, the Central American Resource Center and Mission Cultural Center for Latino Arts, the play, which opens today, is directed by Michael John Garcés, artistic director of Los Angeles’ innovative Cornerstone Theater Company.

In “Placas,” Salvadoran immigrant Fausto (Salinas), newly released from prison, returns to San Francisco to start afresh — symbolized by having his gang-affiliated tattoos (or placas) removed.

He wants to reunite with his now-teenage son — who, it turns out, belongs to a rival gang and rejects his long-lost dad. The tension escalates as Flores depicts street violence and one man’s desperate quest to save his son’s life.

Flores thought Salinas (“a great comic actor, a physical actor, with an expressive, funny face”) would leaven the drama’s intensity and provide special insight into Fausto.

That’s because Salinas was born in El Salvador, grew up in the Mission district and has himself been the victim of street violence. In 1989, he saw a kid being beaten up outside his house, ran to help, was hit with 60 bullets and was comatose for three days.

Remembering that life-changing trauma, he was eager to be in Flores’ play.

“Paul told me some of the scenes [are about that type of street violence], and I said I can handle it,” Salinas says.

“This play reveals a little bit of why gangs were formed here, by people leaving war-torn El Salvador and confronted by Chicano and Mexican gangs here. These kids, who came from war, formed their own powerful gangs here.”

When Flores researched his play by interviewing gang members in California and El Salvador, they asked him to portray the love that exists among them.

Accordingly, without glamorizing gangs, Flores worked to humanize his characters. “Characters all have destinies,” he says. “Where you come from determines where you’re going. When you look at where these characters come from, where they’re going is somewhat tragic. In the end we’re left with a 16-year-old boy who has to make a decision: Am I going to go my father’s route, or do something different?”

SFGate

Randall Kline beats drum for SFJazz Center

By Jesse Hamlin

Saturday, January 19, 2013



Randall Kline has spent 30 years building SFJazz from a money-losing festival into a thriving shrine to jazz and Latin sounds. Photo: Michael Short, Special To The Chronicle

Randall Kline was sitting alone in the glowing concert hall at the new SFJazz Center, chin in hand, listening to the Red Hot Skillet Lickers blaze through a Count Basie blues.

Tech guys in orange and green safety vests worked around the stage as music filled the refined minimalist space at the core of the new cultural center at Franklin and Fell streets. A smile played on the face of the tenacious impresario, whose decades-old dream of building a permanent home in San Francisco for improvised music has finally come to fruition in the \$64 million SFJazz Center, opening Monday.

Kline is a perfectionist whose attention to detail and obsession with "getting it right" can make him tough to please. But on this cold winter afternoon 10 days before the opening - as he, acoustician Sam Berkow and their team tweaked the sound in the 700-seat Robert N. Miner Auditorium and scrambled to get the center ready for the ribbon-cutting - he was happy.

"It's unbelievable. It just sounds so beautiful," said Kline, the founding executive artistic director of SFJazz, which over the past 30 years has grown from a money-losing two-day festival into a major year-round arts organization that presents and commissions a wide spectrum of jazz, Latin and other global music.

Kline spent years working with San Francisco architect Mark Cavagnero to create a performance space that could somehow combine the intimacy and energy of a jazz club with the acoustics of a great concert hall. He wanted to set the performance space in a welcoming contemporary building that expressed the openness of jazz.

The only precedent for the SFJazz Center is New York's Jazz at Lincoln Center, a 100,000-square-foot facility that opened in 2004 on two floors of the Time Warner Center. Its performance spaces were also acoustically designed by Berkow.

He worked on San Francisco's Miner Auditorium - named for the late jazz-loving Oracle co-founder whose family contributed to the building - with Cavagnero and another top designer, San Francisco theater consultant Len Auberbach.

The building, a mostly transparent structure that connects the center to the street and the popping Hayes Valley neighborhood, was seeded with a \$20 million gift from an anonymous Bay Area donor whose family has a 20-year friendship with Kline and SFJazz. A former bass player who dropped out of San Francisco State just shy of a music degree to put on concerts, Kline has always had a gift for programming shows and cultivating long-term relationships with everyone from musicians and patrons to funders and piano tuners.

"This wouldn't have been possible without the generosity of a donor who believed in the vision for this building," said Kline, 59, a trim, bespectacled man who already seems comfortable in his new third-floor office overlooking Fell Street.

Years in rented venues

Leaning against a chair is a big unframed photograph of bushy-haired Sonny Rollins, the towering tenor saxophonist who has performed many times at the San Francisco Jazz Festival, which, until now, SFJazz produced in rented theaters and clubs around the city.

On the desk sits a framed snapshot of Kline's son, Sam, a marketing manager at Jet Blue in New York - then in his early teens, his arm around his younger stepbrother Simone, an aspiring writer in his last year at the University of Pennsylvania. Simone's mother is Kline's second wife, Teresa, a psychologist from Bari, Italy, who, among things, cooks a killer pasta orecchiette. She and Kline met at Caffè Trieste on a blind date set up by a mutual friend. She accompanies her husband to many of the 150 or so shows SFJazz puts on a year.

"She's his ballast," said Kary Schulman, the director of San Francisco's Grants for the Arts and the woman who got Kline started in the festival business. She gave Kline and Clint Gilbert, a lighting and sound guy he'd met working at the storied Boarding House nightclub on Bush Street, a \$10,000 grant to put on the first Jazz in the City festival in 1983. It was a two-night

affair featuring an eclectic mix of Bay Area artists playing stride piano, bebop, Afro-Cuban and avant-garde music.

Despite the so-so turnout, Grants for the Arts kept funding the festival, which mushroomed into a three-week celebration featuring everyone from Ornette Coleman and Wayne Shorter to Brazilian stars like Caetano Veloso and Elba Ramalho, Cuba's best musicians, and other creative artists as various as Dan Hicks, Don Byron and Diana Krall.

"He tells you what he wants in a direct way that's compelling," Schulman said. "There's nothing more manipulative than absolute honesty," she adds with a laugh. "So you give him the money."

Schulman, who has seen many promising arts groups come and go, calls SFJazz "an extraordinary success story, unprecedented in the city. From the beginning, Randall was interested not only in the quality and impact of what he put on stage, but in building an organization to increase that quality and impact. He believed in something and pursued it, pursued it and pursued it. A lot of people come in with big dreams, but 30 years later you don't remember them."

Book publisher Nion McEvoy, an SFJazz board member who co-chaired the center's capital campaign with novelist Robert Milder Anderson, called Kline, "a well-balanced fanatic. He's kept this beautiful flame alive through enormous economic and cultural changes."

Kline couldn't have imagined as a youth in Swampscott, a small town on Massachusetts' North Shore, that he'd wind up creating the largest jazz presenting organization on the West Coast. He grew up in a family of six presided over by his father, Herbert, an aluminum siding salesman and gambler who played good jazz piano and turned his kids on to the beauty of Duke Ellington and Thelonious Monk.

Kline's mother, Mildred, was a homemaker and a winning penny-ante poker player who was crazy for Elvis and the classics. Kline focused on music, football and getting out of Swampscott. For his bar mitzvah, he'd asked for and received an electric bass. He taught himself to play, listening to the Beatles and the Yardbirds.

"Whatever money I could scrape up I spent on records," said Kline, who recalls sitting with his father in a crowd of Dallas Cowboy fans at the 1971 Super Bowl in Miami. Herbert, who was taking bets against the Cowboys, cleaned up after the Baltimore Colts won the game in the final seconds with a field goal.

California dreaming

Kline played his first professional gigs in Boston coffee houses during a summer break from Hofstra University, backing folksinger Gilly Baker, whom he'd known in high school. At Hofstra he studied politics and played varsity football for a couple of years, then dropped out and moved to San Diego, where his older brother Neal was practicing psychiatry. He planned to establish California residency so he could study music at one of the state's vaunted free universities.

"San Diego was beautiful but boring," said Kline, who hitchhiked to San Francisco one weekend in 1975 to meet a friend, was smitten and never left. "Crossing the Bay Bridge and seeing that beautiful view of San Francisco - that image is so indelibly etched in my memory. It felt like Oz."

Kline worked briefly as a bike messenger before landing a job at the Boarding House, where he washed dishes and guarded doors before becoming a maitre d'.

"That was like going to graduate school," said Kline, who saw how the music business worked and what could go wrong. He got to see great acts there like Stan Getz, Bob Marley & the Wailers, and Steve Martin, whom he saw perform 36 shows.

"I learned a lot from Steve Martin - how he developed his craft and how he worked with his manager," Kline said.

Kline started playing around town with musicians he met at the Boarding House and took up the acoustic bass at the College of Marin, where his teachers included such fine musicians as the late San Francisco Symphony violinist Charles Meacham and saxophonist Doug Delaney.

"I was a middling bass player, and I probably could've made a living, but I was never going to be Paul Chambers," Kline said.

A regular at San Francisco's fabled Keystone Korner jazz club, Kline hit on the idea of presenting artists who performed there in San Jose on their off night, Monday. He'd noted that schools and colleges in the South Bay had jazz programs and figured there was an audience. With the blessings of Keystone's Todd Barkan, he began booking stars like saxophonist Dexter Gordon and guitarist Kenny Burrell at the Gold Rush, a San Jose urban cowboy bar with a mechanical bull. He tapped his friends to help and learned the ropes as he went.

"The idea of what I was after then hasn't really changed - the best possible program, presented in the most professional way," Kline said over dinner recently with his wife at Delfina on California Street, where the Puglian and Calabrian cuisine meets her standards. They live not far away, in an 1890s Victorian.

"I don't think I've ever met anybody more tenacious than Randall," Teresa said. "When he thinks something is right, he goes all the way and keeps at it, and I really admire that."

Some locals have criticized Kline over the years for not booking local musicians often enough, although you won't hear any complaints from the many resident artists whom he has presented. Most musicians sing his praises.

"Randall is as passionate and dedicated as anybody I've ever met in the music business," said Joshua Redman, the celebrated saxophonist whom Kline tapped to direct SFJazz's first spring season in 2000 and to lead the first incarnation of the stellar SFJazz Collective in 2004. It featured another great Bay Area musician, vibraphonist Bobby Hutcherson.

Top jazz names

Redman and Hutcherson will help inaugurate the jazz center Wednesday night on a star-filled opening bill with Chick Corea, Esperanza Spalding, McCoy Tyner and others, hosted by Bill Cosby.

George Wein, the 87-year-old godfather of the jazz festival, who started the famed Newport festival in 1954, plans to fly in from New York for the occasion.

"What Randall has done is unbelievable," Wein said. "Jazz started in dance halls, went to nightclubs, made inroads into concert halls, and then festivals came along. At Jazz at Lincoln Center, the cultural hierarchy contributed to create a home for jazz. Randall did the same thing in San Francisco. They've solidified jazz as really part of the American cultural landscape."

A few weeks ago, when the SFJazz staff celebrated its arrival in its new office, there was an awkward moment when Kline was asked if he wanted to say something.

"Give me a couple of weeks and I'll come up with something profound," he replied. "Right now I'm processing it all. It really hasn't sunk in yet."



Founder Randall Kline in the SFJazz Center, opening Monday with only New York's Jazz at Lincoln Center as precedent. Photo: Liz Hafalia, The Chronicle



Randall Kline, founder of SFJazz, in the stairway of his new jazz venue in San Francisco, California, on Wednesday, January 2, 2013. After 30 years of having concerts in rented halls is opening the SFJAZZ center in the Civic Center later this month. Photo: Liz Hafalia, The Chronicle

SFGate

SFJazz Center opens with a joyful noise

By Sam Whiting

Tuesday, January 22, 2013



A member of the Jacob Garchik Brass Choir warms up before the group's fanfare to the new jazz center on the center's balcony, part of a day of festivities. The all-star opening gala concert happens Wednesday. Photo: Michael Short, Special To The Chronicle

Before the public could test the acoustics inside the country's first stand-alone jazz concert hall, it got to test the acoustics out on Fell Street, where a raucous New Orleans-style street parade was held to puff up the opening of the SFJazz Center on Monday.

The long and low building, three stories of sleek glass wrapping onto Franklin Street, proved a perfect sound baffle for the San Francisco Bourbon Kings as they snaked along the closed-off street, wailing away at "When the Saints Go Marching In" to hundreds waiting to go marching in and inspect the new \$64 million facility.

The red ribbon was waiting to be cut with the oversize scissors, and among those eager for it to happen was Randall Kline, founder and executive artistic director of SFJazz. He had heard sound checks inside the 700-seat Robert N. Miner Auditorium and exclaimed: "It sounds knock-your-socks-off great."

There were plenty of people walking around sock-less without hearing a note inside. They were amazed just to be standing there. Asked whether he had ever thought he would see this day, Willie Brown was unusually succinct.

"No," said the former mayor, a member of the SFJazz Board of Trustees.

Revitalizing neighborhood

Once over the shock, he was instantly pontificating, with his eyes on a building directly across Franklin Street that belongs to the San Francisco Unified School District.

"This facility will fuel the energy that gets the School of the Arts built across the street, and the Performing Arts Center will be complete."

Former board chairwoman Srinija Srinivasan said that when she joined the board, "the idea of a home of our own was a central conversation." That was in 2001. It took a while for the conversation to get anywhere, long enough for Srinivasan to serve 11 years and rotate off the board.

"There are 10 good reasons not to own a building," said Srinivasan, who could count one reason to own that supersedes the 10 reasons against.

"It utterly transforms our ability to perform our mission."

Sounds from on high

An example rose into the air when the ceremony began with a horn ensemble weighing in from a balcony at the corner of Fell and Franklin streets. It was performing "Creation's Creation" by trombonist and composer Jacob Garchik, son of Chronicle columnist Leah Garchik. The call of trombones and tubas was responded to by a second ensemble on a balcony at the other end of the building. The sound bounced off the taco trucks as it rose to its crescendo, "The Problem of Suffering."

It felt as if a second line New Orleans funeral procession were about to start when Srinivasan cut the mood by announcing, "It is with extreme joy that I say, 'Welcome to the SFJazz Center.'"

Mayor Ed Lee was excused to be at the Obama inauguration, and former Mayor Brown stayed low under his fedora and did not speak. But the other prominent fedora did. That was the one on the head of Robert Mailer Anderson, the Boonville (Mendocino County) author turned well-to-do jazz savant. His father-in-law is the late Oracle co-founder Robert Miner, whose name is on the auditorium.

"San Francisco has got its soul back," said Anderson, who accented his blue pinstriped suit with a new hat in "Round Midnight" blue, freshly purchased from Paul's Hat Works on Geary Boulevard. A major donor to the president's re-election campaign, Anderson could have been expected to be wearing his suit in Washington, D.C., on this day.

"This is more important," he said. "I'm trying to do President Obama's work here in San Francisco."

Sunny side up

The day was as hot as New Orleans in January. It got hotter as the sun reflected off the white glass, making both sides the sunny side of the street.

When the ribbon was cut, the crowd pressed into the cool lobby and up the stairs to see a mural on tile detailing the history of jazz in the city. Before the day was done, upward of 3,000 people had dropped by for the free holiday open house.

Among the first was Juanita Peterson, 73, who arrived from her home nearby, wearing her 49ers jacket and shirt from the NFC championship game the day before.

"This is wonderful. I had to see it," said Peterson, her euphoria tempered by studying the mural upstairs. "It reminded me of the Fillmore and everything we had lost," she said.

At first glance, the concert hall seems too clean for its style of music, an argument that SFJazz president Kline rejects. "This isn't a classical concert hall," he said. "There is grit enough to make it interesting."

Down on the stage, the SFJazz High School All-Stars were warming up in anticipation of playing an original composition that would be the first live jazz heard by the public in the new auditorium.

On drums was Malachi Whitson, 19, of Richmond, by way of the Brubeck Institute at the University of the Pacific in Stockton. He whisked his brushes across a snare and took measure of the acoustics.

"The sound is exuberant; the acoustics are perfect for jazz," was his analysis. "The audience will be able to vibe with the waves that we will be producing on the bandstand."

It's not all roses

One faction not vibing with the waves was the stage employees union, Local 16, whose members were distributing flyers on the street. Local 16 represents crew for the San Francisco Ballet and San Francisco Opera, and union organizers said this explains why there were no elected officials on the podium.

SFJazz is opening as a nonunion shop, and according to Steve Lutge, business manager-secretary for Local 16, the crew members working at SFJazz are not getting benefits. Kline is confident that an agreement will be reached.

"We've been working with them for 30 years," he said, "and it's an open dialogue."



The Bourbon Kings brought a New Orleans feel to the proceedings as they marched into the new musical shrine. Photo: Michael Short, Special To The Chronicle



The party moves indoors after the street parade, and the Bourbon Kings play some hot brass licks as the guests go marching in. Photo: Michael Short, Special To The Chronicle



Suzie Lundy (center) dances while the Bourbon Kings band plays outside of the SF Jazz Center. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



Rashidi Omari and Suzie Lundy show off their dance moves as a warm sun shines down on the celebrating in the street. Photo: Michael Short, Special To The Chronicle



Robert Mailer Anderson gives a short speech praising the new Jazz Center. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



The facade of the Jazz Center is seen reflected in the glasses of Alex Derries of San Francisco as she listens to speakers during the opening. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



Executive Artistic Director Randall Kline speaks to guests and the gathered crowd prior to the ribbon cutting. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



Former mayor Willie Brown is seen in attendance. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



The High School All-Stars band plays the first ever set during the grand opening. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



The High School All-Stars band plays the first ever set during the grand opening. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



Crowds fill the auditorium as they get a first glimpse at the new SF Jazz Center. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



Names of donors are seen on a large wall in the main lobby of the Center. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle



The New SFJAZZ Center, As Seen By Its Musicians

By Patrick Jarenwattananon, January 22, 2013



The interior of the auditorium at the new SFJAZZ Center. Henrik Kam/Courtesy of SFJAZZ

In 1983, buoyed by a \$10,000 grant from a city arts fund, a new concert presenter in San Francisco put together a festival called Jazz In The City. Fast-forward 30 years, and that organization — now called SFJAZZ and presenting more than 100 concerts a year — has raised \$64 million, largely in private donations, for a new state-of-the-art performance space and permanent home. The SFJAZZ Center held a grand-opening ceremony Monday, and will

celebrate Wednesday night with an all-star opening-night concert. NPR Music, with WWOZ and WBGO, will be on hand for a live video webcast.

Two of the artists who performed at the very first Jazz In The City festival in 1983 — in the same band — are now on staff at SFJAZZ. Pianist Rebeca Mauleón and percussionist John Santos played together in Orquesta Batachanga, a group Santos directed. They've both played in many SFJAZZ concerts since, among other roles within the organization. Now, Mauleón is SFJAZZ's Director of Education, while Santos is one of five Resident Artistic Directors.

On the eve of the SFJAZZ Center's opening night, I asked them both over email to reflect on their time with the organization, and what it's meant to the San Francisco scene.

Patrick Jarenwattananon: Tell me about your jobs and responsibilities at SFJAZZ.



Rebeca Mauleón.
Courtesy of the artist

Rebeca Mauleón: I am the Director of Education, and my principal role is to oversee all aspects of SFJAZZ's education programs, including developing new programming, working with our partner organizations to broaden our community relationships, and explor[ing] ways in which our organization can reach new audiences. My priority has been to develop new initiatives while also ensuring that SFJAZZ education can reach those who may not have any through-line to jazz music; it's not just about "audience development," it's about access to the music. There is no greater responsibility for any cultural organization than to ensure that the art form we so ardently promote will live on in the next generation. The work we do to develop the future music-makers and educators will, we hope, have a lasting impact on how the arts are embraced in our society.

John Santos: Resident Artistic Director is a two-year position (through 2014) that entails curating a week in each year and some education/outreach-type activities such as pre-concert talks, lectures, publicity (interviews/advocacy) and working with the SFJAZZ High School All Stars.

PJ: How did you get involved with the organization in the first place?

RM: I actually performed at the very first festival in 1983, when it was known as Jazz In The City. Over the years, I would play at a number of festival shows, then went on to serve a brief term on the Board of Directors. I was also the recipient of an SFJAZZ Beacon Award in 2008, so I guess you could say I have seen the organization from a variety of perspectives. Joining the staff in 2011 was a wonderful way to continue my relationship with the organization, and I am thrilled to see what the future holds as we take this step in our amazing new facility.

JS: The group I directed at the time, Orquesta Batachanga, played at the first festival in 1983 (Rebeca Mauleón was the pianist). I've played the festival countless times over the years with the groups I directed (The Machete Ensemble, The John Santos Sextet), as well as with other artists and groups (Dizzy Gillespie, Mel Martin, Joe Henderson, Omar Sosa, Steve Turre, Maria Márquez and others). I've produced a variety of shows for SFJAZZ, such as *The History of Afro-Cuban Music* with Cachao, Santana, Walfredo De Los Reyes and the Coro Folklórico Kindembo, and various tributes to local master musicians such as Armando Peraza, Francisco Aguabella, Benny Velarde, Orestes Vilató, Carlos Federico and Pete Escovedo. I've offered a large number of educational presentations through the festival, and for the last five years have presented a six-to eight-week lecture series on the Afro-Caribbean roots of jazz, co-sponsored by SFJAZZ, the Yerba Buena Gardens Festival and the Museum of the African Diaspora (at MOAD). I've also been a consultant to [founder and executive artistic director] Randall [Kline] over the entire period and served for some 14 years on the Advisory Board while it existed.

PJ: I think most observers sense that the opening of the SFJAZZ Center is in some way a good thing. Do you agree, and if so, how so?

RM: Absolutely! Creating a forum for artists, educators and community to intersect is the dream of every arts institution, and the opening of the SFJAZZ Center represents a shared vision among all of us to provide a home for jazz — a place where it will thrive, evolve and expand. In many ways, the validation of the arts by any society is its self-preservation; there can be no greater good than to provide a space for art to grow.

JS: I most certainly agree. It gives a much deserved and often neglected boost in respect and dignity to our national art form, and calls attention to the fact that jazz has evolved and must continue to evolve by honoring [its] roots while acknowledging the international influence of and on jazz. SFJAZZ has always been in the forefront of that movement.

PJ: In talking to other Bay Area musicians, do you notice any common responses to the SFJAZZ Center opening? Are they concerned that SFJAZZ won't represent their interests or support their careers?

RM: As a working musician for over 35 years, I can tell you that the Bay Area music scene has always experienced an ebb and flow, as do all local artist communities. One of the central goals of making the Center a reality was precisely to provide *more* opportunities to present and cultivate our local artists, not only through increased performance opportunities, but also by providing as much education as possible. Our teaching artists are some of the most creative and

dedicated professionals anywhere, and it gives me great satisfaction to share the wealth of our local artists with the world. The Center is a home for everyone, and we intend to see our Bay Area musical community find ways to reach new audiences.

JS: There will always be musicians and others who feel that way for a variety of reasons, but I have noticed SFJAZZ fever, with the contagious excitement, joy, emotion and sense of historic proportion that has largely changed that attitude among the vast majority of those with whom I have communicated.

PJ: You folks are both Afro-Latin jazz musicians in a hotbed of that style of music. How can SFJAZZ best contribute to the Afro-Latin jazz community?

RM: First of all, it's not really about labeling the music we play or targeting any particular group of musicians or audiences. Yes, the SFJAZZ Center is poised to serve many "constituencies" — what we want is to diversify those who have access to our music, be it based on ethnicity, musical genre, geographic location or economic factors. Everyone can come to jazz, and there are many aspects to what makes the music what it is. While Afro-Caribbean music is one of the key components to the history of jazz's evolution, it is the entire story that I hope to see reflected in our organization. My focus as a professional musician has certainly emphasized the Caribbean part of the story — it is my particular passion — but jazz musicians of all persuasions need to know that SFJAZZ is about *all* of us, and my role as head of our Education Department is to ensure that every perspective is honored and shared.



John Santos at the 2011 Monterey Jazz Festival. Cole Thompson/Monterey Jazz Festival

JS: By simply continuing on the path forged over the last three decades of inclusion of Afro-Latin jazz in the eclectic programming, both in programming of concerts and in education.

PJ: What will it mean to have this new building in the Bay Area? How are you planning to use it?

RM: A new home for music with a state-of-the-art hall (as well as devoted educational spaces) is the dream of musicians and audiences alike. And for San Francisco to add another building in the hub of our cultural corridor represents many things: from jobs and improvements to our surrounding neighborhood to enhanced networks with many arts and education organizations. Having a space to gather, to play, to sing, dance, learn, discuss, celebrate — these are incredibly meaningful! Our plan is to see the building serve as a nerve center of creativity, to honor America's classical music and its musicians, and to nurture future generations of art makers as well as appreciators.

JS: It makes perfect sense to have the Center here in arguably the most progressive (not to mention most beautiful) community in the world with our well-documented long history of musical and cultural innovation. I look forward to presenting, performing and attending many a show there forever, and having my family know the Center as an often-visited community space.

SFGate

SFJazz Center - new Cavagnero landmark

By John King

Wednesday, January 23, 2013



SFJazz building Photo: Sean Havey, The Chronicle

Some architects aim to dazzle with flash, with eye-popping forms or cloud-piercing heights.

As Mark Cavagnero walked through the new \$64 million home his firm designed for SFJazz, he paused on the lobby staircase to explain how the titanium steel posts that support the handrails relate to both the railings inside the auditorium and the bicycle racks outside by the street.

"We took the idea of these double plates and tried to see how far we could trace it through," Cavagnero said. "I like that aspect of the work, thinking about all the implications of what these things are and how they come together."



Mark Cavagnero designed the \$64 million glassy edifice that's the nation's first stand-alone jazz performance hall. Photo: Sean Havey, The Chronicle

The 55-year-old architect, whose Mark Cavagnero Associates last year received the Firm Award from the California Chapter of the American Institute of Architects, has defined his career with civic and cultural buildings that exude a disciplined, fully modern sense of craft.

Some were built from the ground up, such as the Community School of Music and Arts in Mountain View. Others blend old and new, such as his transformation of a former department store in downtown Richmond into the East Bay Center for the Performing Arts or the low-key makeover of the Oakland Museum of California.



Mountain View's austere Community School of Music and Arts at Finn Center.
Photo: Eric Luse, SFC



Cavagnero designed the low-key makeover of the Oakland Museum of California near Lake Merritt. Photo: Paul Chinn, The Chronicle

There have been a dozen such projects of this sort in the Bay Area since the Connecticut native set up shop in San Francisco in 1988, and now comes his most visible one yet: the SFJazz Center at Fell and Franklin streets. The three-story box contains a 700-seat auditorium as well as a cafe and small theater along the sidewalk, and it occupies a busy corner on the boundary between the Civic Center and Hayes Valley.

The tall ground floor is see-through glass; above it, extending 4 feet over the sidewalk, alternating bands of clear and translucent glass sit within a lean concrete shell. The two floors within the shell are different heights, and the glass bands don't line up from one floor to the next. The off-center syncopation helps draw your eye to the building, even though it is shorter than both its neighbors.

The exterior has the feel of other Cavagnero buildings, poised but somewhat austere. Inside is where things warm up.

Warm auditorium

The best example is the main auditorium, a steep, monochromatic world unto itself. The concrete floors were sanded once, then again, then coated with a clear seal. The walls and ceiling are covered by thin slats of oak stained a soft gray-green. The seating extends all the way around the stage, darker than the floors but lighter than the ceiling and walls, the various sections folding against each other in such a way that there's no clear differentiation between the center and the sides.

"I didn't want anything axial, where you feel like you should be in the middle," said Cavagnero, who looked for design cues in Boston's Old South Meeting Hall as well as Unitarian churches designed by Frank Lloyd Wright and Louis Kahn.

As for the unusual treatment of the ceiling - no grand chandelier, much less the exposed ductwork associated with many jazz venues - Cavagnero said he sought "a perfect volume that leads your eye back to the stage and the music, instead of up to the ceiling. That can be a distraction."

If the auditorium is Cavagnero's most fully realized environment to date, such rigorous care is a hallmark of projects by the 30-member firm. It's also in sync with his personality, engaging but quietly intense.



A view of the completed stage and seating area. Grand opening of the new SF Jazz Center on Franklin Street in San Francisco, CA Monday January 21st, 2013. Photo: Michael Short, Special To The Chronicle

"Mark's not a natural schmoozer or glad-hander," said David Meckel, director of research and planning at California College of the Arts. "He's very personable, but mostly focused on doing the work."

After attending Harvard University, where he majored in American history and visual and environmental studies, Cavagnero moved west to study architecture at UC Berkeley. He earned his master's degree and then headed back east to join the New York office of Edward Larrabee Barnes, a modernist whose best work emphasized interior precision over external drama.

Five years later he was back in the Bay Area, opening a firm that had only four employees when Cavagnero was selected in 1992 as associate architect on Barnes' design team for the renovation and underground expansion of the California Legion of Honor in Lincoln Park. The die was cast.

"After the Legion turned out well, the calls I got were all cultural," Cavagnero said. "Funny, for us it's easier to get a museum or a theater than an eight-unit infill building."

In the case of SFJazz, Executive Director Randall Kline first called Cavagnero in 2004. The building that opens this week finally broke ground in 2011.

"He has incredible tenacity," Meckel said. "I've never seen him discouraged about a project, no matter how bad things get. He always believes it will work out."

Tone maintained

Cavagnero can point out details at SFJazz that were value-engineered, such as the lobby ceiling where his original concept gave way to black acoustic insulation mats held in place by steel mesh panels. But he does so with a hint of pride at maintaining the overall tone, rather than frustration at what could have been.

Larger buildings lie ahead. Cavagnero and architecture giant HOK designed the police headquarters now under construction in Mission Bay. He's paired with Skidmore Owings & Merrill on an expansion of Moscone Convention Center. The firm also is starting to design housing for Marin on land owned by Golden Gate Baptist Theological Seminary - which, if it gets built, would be the first residential project the firm has done.

This month, though, SFJazz is the thing. And as Cavagnero sat in the auditorium last week, he saw more to do. Such as the exit signs that spilled green light onto the stained oak walls.

"I've specified there should be film on the back so that they don't emit all that green glow on the wood," Cavagnero said. "Some things can happen later, but I'm pushing hard on that."



Cavagnero's firm's Public Safety Building in San Francisco's once-industrial, rapidly revamping Mission Bay is set to open in 2014. Photo: HOK + Mark Cavagnero Associates



The Charlie Sava pool facility gave S.F.'s Parkside District a shot of modernity. Photo: Frederic Larson

Los Angeles Times

Review: SFJAZZ Center makes a splash on opening night



The \$63-million SFJAZZ Center hosted its first performance Wednesday night.
(Eric Risberg /Associated Press / January 24, 2013)

By Chris Barton, January 24, 2013

SAN FRANCISCO -- Los Angeles, did you hear that?

Given the laws of physics and the roughly 400-odd miles of distance, it's unlikely this week's opening of the \$63-million SFJAZZ Center could be heard on the opposite end of the state (apart from its live video stream on NPR's website). But after opening its doors to the public on Monday, the center rumbled to life Wednesday with an all-star concert that featured practically a who's who of the music -- Chick Corea, Jason Moran, Esperanza Spalding, McCoy Tyner, Bobby Hutcherson and even Bill Cosby, who it's tempting to say was acting on loan from our city given his recently finished run as host of the Playboy Jazz Festival.

The effect, both in the sound and the building designed to hold it, seemed to reverberate not just to our half of California -- where the Jazz Bakery's plans for a new Culver City home in some

respects echo what SFJAZZ has in place -- but across the country as a vibrant new way of experiencing the music has begun to be explored.

First impressions can always be deceptive, of course (what jazz venue wouldn't pack a house with a lineup like that?), but the overwhelming afterglow from the evening is hope, and not just for the future of the music but for the intoxicating possibility of something similar happening in L.A. as well.

Before a note was played, the center played host to a red carpet reception that wouldn't have looked out of place at the various awards galas that pepper our city this time of year. There was even an SFJAZZ-branded photo backdrop against which the night's guests (all VIPs or concert patrons who paid \$500 each for a limited number of tickets) could pose. The crowd gathered around small plates from a number of local restaurants was a stylish, sharply dressed mix of young and old, and some of the faces seemed familiar from the covers of *Fast Company* and *Wired*, or looked as if they could be.

Local dignitaries such as Mayor Edwin Lee and Willie Brown rubbed elbows with locals honoring the night's "black tie optional" dress code, mixed with the geographically appropriate outlier such as a velvet suit or jauntily angled fez. Open bars pouring craft beer, wine and bourbon cocktails dotted the center and its neighboring tent, which allowed the spillover of revelers to appreciate a young band that at times stepped off the stage to charge through giddy, New Orleans-styled takes on standards such as "All of Me."

Seeing the center's completed design in action was something to behold as well. The floor-to-ceiling glass on the first floor blends the room with bustling Franklin Street outside so seamlessly that it's almost disorienting, yet the room never feels crowded by the city, apart from the occasional passing siren. Outside, black-and-white photos of legends such as Art Blakey and Miles Davis peer into the building from windows across the street. Inside, long steel rods anchor the staircase to the performance space above and golden flowers poke from of the ceiling, giving the room a lush, naturalistic flourish amid its modern mix of glass, metal and brushed concrete.

As the concert began, there was a feeling that this indeed may approximate what jazz looks like in 2013. The almost hexagonal-shaped hall, fleshed out to 700 seats, feels intimate but oddly spacious as rows of bar seats ring the upper balconies around and behind the stage. With its mix of horizontal and vertical acoustic slats along the walls, the room unconsciously echoes the site's original life as an auto repair shop with the crisp, spartan aesthetic of a workspace. It's not Disney Hall, but it doesn't want to be, either.

And the work done on the night was of a master class level. After Cosby opened the show joining Pete Escovedo and others for a swiveling take on Tito Puente's "Ti Mon Bo," pianist Moran -- who will return to the venue in May to improvise with skateboarders -- teamed with drummer Eric Harland for a lively, inside-out acceleration through the blues. The free-flowing piece began by recalling Jaki Byard and rumbled toward the outer limits atop Harland's driving pace yet never lost sight of its core. "You had me worried for a while, I thought you had forgotten the song," a sweatshirt-clad Cosby teased when the duet finished. "I was so glad he was with you!"

In another pairing, piano great Corea joined guitarist Bill Frisell for what was said to be the first time. The two improvised around a central melody in a graceful sort of dance with Corea roaming up and down his keyboard as Frisell, ever the country gentleman in a suit and clean-toned Telecaster, mirrored his every step. Corea was next joined by drummer Jeff Ballard and bassist Spalding for what Corea introduced as a tribute to Bill Evans' "Alice in Wonderland."

Spalding, her signature puff of hair wound into a wrap, continued her run as the anointed talent of the moment in jazz, and she again justified her standing with performances that showed that, as talented as she is as a vocalist, she's an even better bass player. Her nimble duet with Harland earned the night's first standing ovation, and a vibrant later turn with Tyner and Joe Lovano on "Walk Spirit, Talk Spirit" conjured the restless spirit of John Coltrane.

A two-saxophone front line of Lovano and Joshua Redman offered another highlight in a free-blowing "Blackwell's Message" and, in maybe the night's greatest moment for cross-generational pollination, Frisell, Redman and Tyner joined John Handy and vibraphone great Hutcherson for "Blues on the Corner." Hutcherson might have looked worryingly frail with oxygen tubes trailing from his suit, but he punched his instrument with a taut, ageless grace.

"What tonight is about is the music and our community. We did this thing," said SFJAZZ founder and Executive Director Randall Kline at the show's outset. "It's about you making something happen."

As the night closed with an onstage Victrola murmuring a Billie Holiday performance of "I'll Be Seeing You," you believed him, particularly as the center's crowd fell to a warm, thoughtful silence. The show may have ended, but the party feels like it's just getting started.

Arts Beat

The Culture at Large



January 24, 2013

SFJazz Center Opens in California

By NATE CHINEN



A crowd filled the 700-seat Robert N. Miner concert hall at the SFJAZZ Center for an opening night concert on Wednesday. Matthew Millman for The New York Times

SAN FRANCISCO — “Congratulations,” Bill Cosby told a roomful of jazz patrons on Wednesday, near the outset of the opening-night concert at the SFJazz Center here. “This is your place, you know.”

The crowd, which filled the 700-seat Robert N. Miner Auditorium, laughed appreciatively at Mr. Cosby’s line, which was no less welcome for being obvious. The SFJazz Center, a \$64 million performance space, proudly billed as the first stand-alone building designed for jazz in this country, was being consecrated in the presence of assorted board members, capital donors and series subscribers, who all had a stake in the project. But the concert, which was broadcast on radio by WBGO and WWOZ (and [online by NPR Music](#)), was also intended for a larger audience of the jazz faithful, a global audience. If all goes as planned, this is to be their place too.

SFJazz, the Bay Area nonprofit organization devoted to presenting this art form, is celebrating its 30th season this year, and Randall Kline, its founder and executive artistic director, wanted the evening's festivities to showcase longstanding bonds. So the concert featured musicians who have a history with the organization, including the tenor saxophonists Joshua Redman and Joe Lovano and the pianists McCoy Tyner and Chick Corea. Each of this season's five resident artistic directors — the guitarist Bill Frisell, the pianist Jason Moran, the violinist Regina Carter, the percussionist John Santos and the alto saxophonist Miguel Zenón — had some integral part to play.



The SFJAZZ Center, a \$64 million facility in San Francisco, is billed as the first standalone building designed for jazz in the United States. Matthew Millman for The New York Times

Several of the evening's highlights were touched by serendipity. Mr. Corea and Mr. Frisell, who had never played together before, fashioned an exquisite duo improvisation on the standard "It Could Happen to You." The bassist Esperanza Spalding played for the first time with Mr. Corea and the drummer Jeff Ballard. Mr. Tyner led a heavyweight quartet — with Mr. Lovano, Ms. Spalding and the drummer Eric Harland — in a version of his 1970s staple ["Walk Spirit, Talk Spirit."](#) And Mr. Moran teamed up with Mr. Harland for a spikily abstracted take on Fats Waller's "Yacht Club Swing."

Naturally, there were performances by artists from the area. The singer Mary Stallings, who grew up not far from the site of the new center, sang an arrangement of "I Love Being Here with You" with the SFJazz High School All-Stars, an education initiative. (Ms. Carter also played one song with the high schoolers, sounding effortless.) And Mr. Santos worked in several formats, including a percussion-choir version of Tito Puente's "Ti Mon Bo." (Pete Escovedo, another important Bay Area fixture, was on timbales; Mr. Cosby played cowbell.)

As for the SFJazz Collective, a rightly acclaimed flagship band, it played two numbers: "Mastermind," a metrically tricky piece by Mr. Zenón, and "Spain," one of the best-known tunes by Mr. Corea, who sat in on keyboards. (Despite its name, the Collective now has just one member who hails from the region: Mr. Ballard, a native of Santa Cruz. Its roster otherwise represents Israel, Puerto Rico, Venezuela and New Zealand, along with Philadelphia and Albany.)

The Miner auditorium, a steeply raked cube of a hall, offers a lot of promise: its sound is clear and warm from almost any vantage, and its seating plan gives an impression of intimacy even from the balcony. The architect was Mark Cavagnero, and the acoustician was Sam Berkow; both are justifiably proud of their work here. This long-awaited enterprise is off to a bang-up start.

The Telegraph

Old Earth, Spitalfield Festival, Village Underground, review

Old Earth is a haunting meditation on the human struggle to articulate the ineffable.

By Jane Shilling

19 June 2012

★★★★★



Alan Howard in Samuel Beckett's *Old Earth* at Village Underground Photo: Jamie Archer

The Spitalfields Festival's imaginative policy of staging performances in unusual venues finds the audience for *Old Earth* filing into a cavernous former warehouse, now a "creative and cultural space".

The entrance is guarded by an imposing, black-clad bouncer who struggles to compose his face into a suitably welcoming expression for the devotees of experimental music and drama.

Within the darkened space, dead leaves strew the floor, and a leafless tree springs from a mound of decaying vegetation growing against one wall.

Spotlights are disconcertingly turned on the audience while from the shadows, the voices of performers clad in drab, enveloping garments, as though about to set out on some bleak but inevitable journey, begin to rise above the anticipatory chatter.

The world premiere of *Old Earth*, given by theatre company Jericho and the singers of Harry Christophers's ensemble, *The Sixteen*, brings together four short prose texts by Samuel Beckett with specially commissioned music by the composer Alec Roth. Beckett composed his "Fizzles", a cycle of eight short prose pieces, between 1960 and 1972. All but one were in French, under the title "Foirades", and later translated into English by the author. (In both languages the titles convey overtones of humiliating failure.)

The collection of fragments depicts the struggle of a character restlessly poised – apparently at the point of death – between memory and forgetting, reaching for a connection between the past and the present which remains perpetually just beyond his grasp.

Beckett stretches language to the point of syntactical disintegration as he depicts the spirit wandering in a purgatorial wilderness before returning to places where the memory of former happiness can be dimly discerned in disjointed images of once familiar scenes.

The looping, incantatory cadences of the four monologues, dolefully performed by Alan Howard, costumed in the standard garb of one of Beckett's hapless old corpses-in-waiting – stained overcoat, disgraceful trousers, bad hat – are punctuated and mirrored by the intricately patterned harmonies of Alec Roth's wordless vocalizations for the unaccompanied choir, who perform in the drab garments of transients.

They are conducted by Harry Christophers, who enters wittily into the spirit of the piece by wearing his traditional conductor's tail coat, tattered and distressed, over faded black jeans.

Lucy Wilkinson's design makes powerful use of the vast space, placing the choir on either side of Howard on his mound, with the audience huddled in a semi-circle as though sheltering from the darkness beyond.

If Jonathan Holmes's direction doesn't quite draw out the grim wit that characterizes even Beckett's darkest writing, this remarkable collaboration is nevertheless a haunting meditation on the human struggle to articulate the ineffable.



Mid-Market arts district: Curtains?

Key property owner wants top dollar

By J.K. Dineen, November 9, 2012

Proponents of a plan to turn one of the remaining derelict blocks of Mid-Market Street into a mixed-use development with art, theaters, housing and retail say the project has stalled because a key property owner backed out of negotiations.

For more than two years a nearby property owner and a group of nonprofits, including the North of Market Neighborhood Improvement Corp. and the **American Conservatory Theater**, have been negotiating to acquire three parcels between 966 and 974 Market St., an assemblage that includes a row of shuttered stores just east of the Warfield Theater as well as a surface parking lot behind the Warfield. The property would be combined with a contiguous site owned by the Thacher family at 950-964 Market St.

The group, which is being advised by the developer Equity Community Builders, has offered \$8 million for the three parcels and plans to bankroll an arts and education center by making the project part of a larger mixed-use development with about 120 housing units and retail. The facility would feature new performing arts space, a conservatory, retail and restaurant uses and new housing on the pivotal block bounded by Market, Turk and Taylor Streets.

It was an idea that had the support of the Planning Department, Mayor Ed Lee, the San Francisco Arts Commission and District 6 Supervisor Jane Kim. William Thacher, whose family has owned the 950-964 Market St. property for generations, has also been a vocal proponent.

But over the last six months, property owner Loan Star Fund — the Dallas-based hedge fund that acquired the 966 and 974 Market St. parcels as part of a portfolio of troubled loans — has broken off negotiations, according to Elvin Padilla of the North of Market Neighborhood Improvement Corp.

Padilla said that the hedge fund has been “less than transparent and frustratingly inconsistent” in the “negotiations for the acquisition of the properties for the 950 Center for Art & Education project.” He is asking Tenderloin and Mid-Market stakeholders to write a letter to the hedge fund urging the group to pledge that the 950 Center concept will be part of any redevelopment there.

Loan Star declined to comment through a spokesperson. Commercial real estate brokers familiar with the situation said that Loan Star has decided to put the property up for sale in 2013 rather than do an off-market deal with the 950 Center proponents. The hedge fund has already sold two other Market Street properties it acquired through the purchase of a portfolio of troubled loans on

which bankrupt Commonfund had defaulted. One of them, 901 Market St., was sold to Hudson Pacific for \$90 million, a 28 percent increase over what the property had traded for in 2006; the other, 935-965 Market St., was unloaded to real estate developer **Cypress Equities**, which is expected to break ground early next year on a 250,000-square-foot retail project there called Market Street Place.

Sources who have talked to Lone Star said it thinks the 950 Project property will become more valuable once Cypress starts work on Market Street Place.

“Loan Star is a real estate firm that has a fiduciary responsibility to get the highest and best use,” said Thacher, who has spoken to Loan Star executives. “They are trying to get the highest price they can get.”

Padilla said that Loan Star used the ambitious plans for the 950 Market project as a selling point when marketing 901 Market and Market Street Place. But as soon as those properties were unloaded, the conversations stopped.

“These guys really strung this thing out for a while and the community got taken for a ride here,” he said. “They played nice with 950 Market because they needed our help and support.”

Padilla said the 950 Market group has been in talks with housing developers that might be interested in being the master developer on the project, including AvalonBay, Bridge Housing, Build Inc. and Group I, which recently bought the Warfield office building at 988 Market.

In a letter to Mayor Lee, A.C.T. Executive Director Ellen Richard said she is worried that as companies such as Twitter, Square and Dolby relocate to Mid-Market, the arts groups that have long been housed in the neighborhood will be priced out. “If a sizable organization like the A.C.T. can’t afford these new market rents, then what chances do smaller organizations have?”

Thacher remains hopeful that the 950 Market project will come to fruition.

“We see the revitalization of Mid-Market with tech companies and investment going on, but you don’t want it to be carried away and forget the history of Market Street as an arts and entertainment district,” said Thacher. “It’s important to help small theaters and arts groups that desperately need a permanent home.”

But until Loan Star decides what to do with its property, all bets are off.

SFGate

Mid-Market arts center at risk amid boom

By John Wildermuth

Saturday, March 9, 2013



The surge in high-priced development along San Francisco's long-neglected Mid-Market corridor may be a boon to city finances, but the rising prices that growth has fueled is a threat to the local arts community.

A years-long effort to build a performing arts and education center at the intersection of Market, Turk and Mason streets could collapse now that an out-of-town property owner has ended talks with the project's backers and put the lots up for bid.

"I'm hoping that whoever ends up with the property is willing to do an arts component and not just make everything market rate," said Will Thacher, whose family has owned the rest of the proposed project, the adjoining property at 950-964 Market St., since 1937. "But San Francisco

is one of the hottest real estate markets in the nation and Mid-Market now is one of the hottest areas in the city."

It wasn't always that way. Just a few years ago, Mid-Market was a seedy urban desert plunked in the middle of the city's signature boulevard. Then-Mayor Gavin Newsom and current Mayor Ed Lee worked to create tax breaks and incentives to bring in businesses to replace the empty buildings, boarded-up storefronts and cheesy retail shops that contributed to the area's dangerous, down-at-the-heels vibe.

Against that background, the plan for a mixed-use arts center that would transform three-quarters of one of the sketchiest blocks on Market Street was a gift from above. City officials, the arts community and neighborhood groups from the adjoining Tenderloin quickly embraced the plan.

"Theater groups are getting priced out of the city, even as people are coming to the city for the arts," said Carmela Gold, president of the Tenderloin Economic Development Project, which has put together the proposed arts project. "If you talk to anyone in the arts, even an organization as big as (the American Conservatory Theater), they'll say they're going to be priced out of the city in five years."

The plan for the 950 Center for Art and Education calls for four small theaters, rehearsal space, meeting rooms and public areas that could be shared by several performing arts groups, along with office space. ACT, which is converting the nearby Strand Theater into another performing space, would also use the new center for administrative and education efforts, according to a January 2013 report on the project.

"We want to provide affordable space for arts groups that are being squeezed out of the city because of what's happening in the real estate market," said John Clawson, founder of Equity Community Builders, the development consultant on the project.

With the arts activity on the second and third floors of the proposed development, there would be room in the sprawling building for street-level restaurant and retail space, as well residential or office uses on higher floors, making the project more attractive to a developer.

Ideal for small groups

The shared space idea is perfect for small local theater groups, which wouldn't be burdened with the day-in, day-out costs of running their own performance spaces, said Steven Anthony Jones, artistic director of the Lorraine Hansberry Theatre.

"We can share office and rehearsal space and put the money we save into the artistic side," he said.

But, except for Thacher, property owners' early interest in the arts plan waned as the price tag rose on Mid-Market property. The Lone Star Fund of Dallas, which now owns the other three Market Street parcels earmarked for the arts center, turned down an offer by the project's backers and opted to put the properties up for bid late last month.

City officials, however, continue to see the arts as a major part of Mid-Market's revival. On Jan. 30, the mayor and Supervisor Jane Kim sat down with the arts center's sponsors and potential bidders for the Lone Star property and made it clear the city would work with developers to get the deal done.

"We're excited about the economic growth we're seeing," Kim said. "But the concept also was to recognize the existing community that had always been there ... and continue to protect services and the arts who were the area's original tenants."

Trying to stay in S.F.

If the arts plan dies, it will be a loss to the city and the artists who make it home.

The Lorraine Hansberry Theatre has been the Bay Area's signature professional black theater company for 32 years, all of it spent in San Francisco. But after losing their theater a few years back, "we've been barnstorming, making plans and then looking for a venue," said Jones. "This would mean we'd have a permanent home."

Without the new arts center, "I'm not sure we can stay in San Francisco," he said.

For now, there's not much Gold and other supporters of the arts hub can do.

"We're just waiting for Lone Star to pick a winner and then talk with whoever gets the bid," she said.

But Gold remains confident. The arts center has both political and financial backing and is the type of project that could transform the adjoining Tenderloin neighborhood.

"We want the Tenderloin to benefit from the extraordinary growth of business along Mid-Market," she said. "We want development to increase to where people are happy to walk down Turk Street."

December 27, 2012

Aid Workers Demand Greater Access to US Migrant Workers

By Mana Rabiee

CAROLINE COUNTY, MARYLAND — At 1.57 meters tall, Nora Rivero has to crane her neck to drive the Silver Dodge Charger she sometimes rents for work. Her petite stature doesn't quite speak to her 19 years as a legal aid activist, much of it in defense of migrant farm workers.

The Colombian native is an attorney's assistant with [Maryland Legal Aid](#) in Baltimore. She and her senior colleague, attorney Nathaniel Norton, visit migrant crop pickers housed in farm labor camps and educate them about their rights.

"When I go to see them and they have been eight or nine hours in that terrible sun and the living conditions they have to go through, that is hard for me," she said.

Rivero and Norton often drive through Maryland's picturesque Caroline County, home to independent growers who plant corn, soybean and cantaloupe. But getting onto the farms isn't always easy.

Limited access

Norton and Rivero say farm owners systematically intimidate them from doing their outreach to migrant workers. One farmer brandished a baseball bat at Rivero, they say, adding that another grower and his son threatened to shoot Norton.

"[They] got out of their trucks and came up to the window started yelling very angry," Norton said. "One of the things the grower was yelling was, 'You could be thieves. I've got the right to shoot people on my property.'"

Across the United States, outreach workers who deal with migrant farmworkers have similar stories of intimidation by growers. They say it's designed to keep activists away from the poor farmworkers the activists hope to help.

A nurse practitioner in Maryland is among the outreach workers struggling with the problem. She provides health care to migrant farmworkers out of a makeshift clinic she sets up "beneath the trees" of the labor camps.

The nurse, who spoke on condition of anonymity to protect her work and her patients, said she

routinely is intimidated to get off farm property by growers.

“I’ve been threatened with the Sheriff. They said they’d bring their gun out - their shotgun - if I entered their land without notifying them first,” she said.

Ensuring guidance

Activists who assist migrant farmworkers say growers don’t want them on their land because they don’t want their crop pickers to know if their statutory rights have been violated.

Among the rights most at risk, for example, are written notice of the amount of work promised when workers are recruited from out of state, housing conditions that meet minimum legal requirements and payment for overtime.

If the workers understood their rights better, activists say, they might demand higher pay, better working conditions or access to healthcare, all of which would cost the growers money.

But migrant rights activists say it’s illegal to keep them off farm property.

“Farm workers are essentially like tenants, even in grower-controlled property,” said Norton, “so they have the right to receive visitors, particularly legal services, clergy and healthcare providers and the like.”

The activists say it’s not just happening to immigrant workers, but to American citizens as well.

Earlier this year, Norton and Rivero drove to a Preston farm where a migrant worker, a 54-year-old African-American woman from Florida, had died.

“They went and did an MRI and the MRI showed she had a massive stroke,” said Anthony DeMae, the dead woman’s nephew. Her family wanted help from Maryland Legal aid to send her body back to Florida.

Defending workers' rights

But shortly after Norton and Rivero arrived at the farm with a reporter, the owner told his foreman the aid workers and the reporter had to leave. The outreach community complains this denial of access extends to public spaces, as well. In August, a worker’s rights group based in Baltimore complained that one of its advocates was “blocked” from attending a public event about employee and employer rights.

[Centro de los Derechos del Migrante \(CDM\)](#) said in a news release that it had been invited to the event by a co-sponsor - the government of Mexico. But CDM said a representative from another co-sponsor, the Chesapeake Bay Seafood Industries Association, told the CDM advocate “she was not allowed to attend the event and directed her not to speak to any of the workers.”

CDM called the episode “another example of the way that [agricultural] employers try to isolate

workers” and to “limit workers’ contact to other community members and their advocates.”

Few states have laws that mandate access to labor camps, but a few state Attorneys General have issued legal opinions which provide some guidance when balancing the various interests of the migrants, visitors and farmers.

The owners of the Maryland farms that VOA visited with Norton and Rivero did not return repeated phone calls for comment.

A spokesperson for the Maryland Farm Bureau said the industry in no way condones violations of workers’ rights and that activists have exaggerated the issue.

Paul Schlegel, who directs public policy at the American Farm Bureau Federation, said aid workers demand “unfettered” access to farm property and burden growers with nuisance lawsuits.

“My hunch is that you’re seeing people with a particular perspective in the legal aid community painting with a very broad brush and making allegations that in our experience just don’t represent the real world,” said Schlegel.

Petitioning the UN

But the situation is serious enough that a coalition of 28 rights groups, including Maryland Legal Aid, the Southern Poverty Law Center and the labor union AFL-CIO, [submitted a complaint to the United Nations](#) on December 13. The coalition argued that the lack of meaningful access to migrant labor camps “stymies” farmworkers’ access to justice and, as a result, “violates international human rights law.”

It has called on the U.N. Envoy for Extreme Poverty and Human Rights, Magdalena Sepúlveda, to pressure the U.S. government to allow aid workers better access to migrant farm camps.

For now, Norton, Rivero and other social service providers feel as if the people they want to assist remain out of reach.

The nurse practitioner in Maryland said she has to “sneak around” to hand out crucial medicines to patients. “I would like for us to be able to go there when there is a need and not have to continuously notify someone, or try to intercept the people at the local Laundromat to give them blood work results, or pass over medicines instead of being able to go to their homes,” she said.

As Immigration Reform Heats Up, Changes Proposed For Troubled Guest Worker Programs

By Dave Jamieson
January 17, 2013



Many of the foreign guest workers who come to the U.S. end up working in jobs like crab picking.

WASHINGTON -- With immigration policy now a top priority of the Obama administration, advocates for comprehensive reform are urging lawmakers to improve the country's foreign guest worker programs, a system that critics say is equally dysfunctional and leads to abuse.

"It's a small piece of the whole puzzle but an important one," Ana Avendano, director of immigration at the AFL-CIO union federation, said Thursday. "The system is terribly exploitative. We're dealing with human beings, not commodities."

More than 100,000 foreign workers currently come to the U.S. to work seasonal jobs each year, many of them in low-wage, physically demanding roles, like agricultural field work, seafood processing and hotel housekeeping. Often traveling from Latin America, the workers fill positions that U.S. businesses say they have a hard time filling with local labor. Allegations of abuse, however, [have become common](#), with foreign workers paying exorbitant recruitment fees at home and often being shorted on their pay in the U.S.

One of the larger problems is a lack of enforcement and transparency, according to Rachel Micah-Jones, director of the migrant worker advocacy group Centro De Los Derechos Del Migrante. On Thursday, Micah-Jones' group released a report on the State Department's H-2 visa programs called [Recruitment Revealed](#). Nearly 60 percent of the workers surveyed said they paid illegal recruiting fees for their jobs, and nearly half said they had to take out a loan to cover travel and other expenses so they could work.

"Temporary workers are important participants in the U.S. economy and deserve to be treated with dignity," Micah-Jones said.

The report recommended that Congress overhaul the visa programs to hold U.S. employers liable for recruiting fees that workers pay, to extend legal aid to such workers and to create a public register of recruiters to increase transparency.

Centro De Los Derechos Del Migrante also unveiled a [comprehensive web tool](#) on Thursday that maps out H-2 employers in the U.S. and their recruiters abroad by drawing on public visa records. The tool is meant to help workers share information on working conditions as well as recruitment practices, and tracks allegations of fraud, predatory lending, substandard housing and the blacklisting of workers.

Adarely Ponce, a worker from Mexico, said at a press conference in Washington on Thursday that she's had three experiences with fraudulent recruiters in trying to work in the U.S. on temporary visas. She'd been recruited to pick apples in Michigan and to clean hotels in Las Vegas and later Louisiana. In each case, her handlers demanded recruitment fees she couldn't afford.

"I could tell you so many other stories of friends who've gone through similar situations," Ponce said through an interpreter. Of the fees demanded by brokers, she said, "Those kinds of quantities we're talking about lead people to lose cars, houses, land."

Some lawmakers have recently tried to change the guest worker programs, only to see the reforms delayed in Congress or hung up in the courts.

The Labor Department issued a series of proposals that, among other measures, would have required U.S. employers to cover travel expenses for workers and to advertise more for American employees before seeking workers overseas. Business groups like the Chamber of Commerce, however, have strongly opposed the reforms, and last year a bi-partisan group of senators ended up [blocking them from going into effect](#). Business groups also challenged the new rules in court.

In one [high-profile case of abuse last year](#), workers from Mexico at a seafood packing plant in Louisiana accused their employer, Walmart supplier CJ's Seafood, of forcing them to work 24-hour shifts under the threat of deportation. Walmart later dropped CJ's as a supplier and the Labor Department ordered the company to pay \$214,000 for wage and hour violations.

Avendano of the AFL-CIO said the system in its current state doesn't sufficiently punish exploitative practices, giving poor employers an advantage over good ones.

"We have a system that rewards bad behavior," said Avendano. "If there's a process in which workers can come into the economy in a way that's flexible and meets business needs, and workers can exercise their rights on paper, then that's a win-win situation."

On the Commons

Texas Judge Rules 'The Sky Belongs To Everyone'

Is this a "shot heard round the world" for fight against climate change?

By David Morris, Thursday, July 26, 2012



“Texas judge rules atmosphere, air is a public trust”, reads the headline in the [Boston Globe](#). A tiny breakthrough but with big potential consequences.

And as we continue to suffer from one of the most extended heat waves in US history, as major crops have withered and fires [raged](#) in a dozen states, we need all the tiny breakthroughs we can get.

The “public trust” doctrine is a legal principle derived from English Common Law. Traditionally it has applied to water resources. The waters of the state are deemed a public resource owned by and available to all citizens equally for the purposes of navigation, fishing, recreation, and other uses. The owner cannot use that resource in a way that interferes with the public’s use and interest. The public trustee, usually the state, must act to maintain and enhance the trust’s resources for the benefit of future generations.

Back in 2001, Peter Barnes, a co-founder of Working Assets (now CREDO) and On the Commons as well as one of the most creative environmentalists around, proposed the atmosphere be treated as a public trust in his pathbreaking book, [Who Owns the Sky: Our Common Assets and the Future of Capitalism](#) (Island Press).

In 2007, in a law review article University of Oregon Professor Mary Christina Wood elaborated on similar idea of a [Nature’s Trust](#). “With every trust there is a core duty of protection,” she wrote. “The trustee must defend the trust against injury. Where it has been damaged, the trustee must restore the property in the trust.”

She noted that the idea itself is not new. In 1892 “when private enterprise threatened the shoreline of Lake Michigan, the Supreme Court said, ‘It would not be listened to that the control and management of [Lake Michigan]—a subject of concern to the whole people of the state—should . . . be placed elsewhere than in the state itself.’ You can practically hear those same Justices saying today that ‘[i]t would not be listened to’ that government would let our atmosphere be dangerously warmed in the name of individual, private property rights.”

In 2010 Wood, along with Julia Olson, Executive Director of [Our Children’s Trust](#) “had the vision to organize a coordinated international campaign of attorneys, youth, and media around the idea that the climate crisis could be addressed as a whole system,” Peter Barnes observes, replacing a situation in which “legal solutions were fragmented, focused on closing down a particular power plant or seeking justice for a particular endangered species, threatened neighborhood or body of water impacted by our fossil fuel abuse.”

On behalf of the youth of America, Our Children’s Trust, Kids Versus Global Warming and others began filing suits around the country, arguing the atmosphere is a public trust. So far cases have been filed in 13 states.

In Texas, after a petition to the Texas Commission on Environmental Quality (TCEQ) to institute proceedings to reduce greenhouse gases was dismissed, the [Texas Environmental Law Center](#) sued on behalf of a group of children and young adults. The Center asserted the State of Texas had a fiduciary duty to reduce emissions as the common law trustee of a “public trust” responsible for the air and atmosphere.

The lawsuit argued, “The atmosphere, including the air, is one of the most crucial assets of our public trust....Global climate change threatens to dry up most of these waters, turning them from gorgeous, life-giving springs into dangerous flash-flooding drainages when the rare, heavy rains do come. The outdoors will be inhospitable and the children will have few places to recreate in nature as the climate changes. They will be living in a world of drought, water shortages and restrictions, and desertification.”

The TCEQ argued the public trust doctrine applies only to water. Judge Gisela Triana, of the Travis County District Court disagreed. Her letter decision, issued on July 12, 2012 stated, “[t]he doctrine includes all natural resources of the State.” The court went further to argue that the public trust doctrine “is not simply a common law doctrine” but is incorporated into the Texas Constitution, which (1) protects “the conservation and development of all the resources of the State,” (2) declares conservation of those resources “public rights and duties,” and (3) directs the Legislature to pass appropriate laws to protect these resources.

The immediate impact of the case is limited. Noting that a number of climate change cases were wending their way up the judicial ladder, Judge Triana upheld the TCEQ decision not to exercise its authority.

But a few days after Judge Triana’s ruling, Judge Sarah Singleton of the New Mexico District Court denied the state’s motion to dismiss a similar case. That will now move forward.

The Texas court is the first to support the possibility that the “public trust” doctrine may justify the creation of an atmospheric trust. One Houston law firm advised its clients the decision “may represent a ‘shot heard ‘round the world’ in climate change litigation...Given the stakes involved in such cases, clients should monitor these suits carefully—and perhaps participate as amicus curiae to support the state’s attorneys’ arguments.”

What a delicious irony if future generations could look back to Texas as the catalyst that ultimately afforded legal protection to the sky.



David Morris is Vice President and director of the [New Rules Project](#) at the [Institute for Local Self-Reliance](#), which is based in Minneapolis and Washington, D.C. focusing on local economic and social development.

Climate lawsuit appealed

Two Eugene students ask two appeals courts to force the state of Oregon to take action on climate change

By Karen McCowan, Monday, August 13, 2012

Two young Eugene residents are appealing a local judge's April dismissal of their lawsuit alleging that the state of Oregon is violating the public trust by failing to take adequate steps to prevent climate change.

Olivia Chernaik, 12; Kelsey Juliana, 16; and their mothers also have filed a motion asking the Oregon Court of Appeals to send the case directly to the Oregon Supreme Court.

The suit, one of almost 50 similar efforts nationwide, seeks to compel state officials to create and carry out "a viable plan for reducing carbon dioxide emissions," according to Julia Olson, executive director of Our Children's Trust, a Eugene-based nonprofit group that has helped organize the legal challenges.

Lane County Circuit Judge Karsten Rasmussen ruled that the court lacks authority to order the actions, calling the matter a political question. He said he would violate the Oregon Constitution's separation of powers if he ordered the state to carry out a more aggressive carbon emission reduction plan than one adopted by the Legislature in 2007.

Urgency is one reason the girls are pressing to quickly get the appeal before Oregon's highest court, said Tanya Sanerib, an environmental lawyer from Portland who is working on the case.

"Climate change is the issue of the day, and these girls are really concerned that if we don't do something to actually start reducing carbon emission now, it's going to be too late," Sanerib said.

"Climate change is the crisis of my generation," Kelsey said in a recent interview. "This case needs bold action now from the government...."

"It cannot wait and sit around at the Court of Appeals."

Olivia agreed.

"I don't want to live in a wasteland caused by climate change," Olivia said.

The expedited process sought by the girls and their mothers, Lisa Chernaik and Catia Juliana, is "pretty rare," according to Stephen Armitage, a staff attorney for the Oregon Supreme Court.

The process begins with a motion to the Court of Appeals asking it to certify the case to the Supreme Court.

In the suit by Olivia and Kelsey, that motion is a 22-page document detailing as evidence of the need to expedite the case such phenomena as melting Arctic sea ice and Oregon's shrinking snowpack and rising sea level.

The Court of Appeals then votes to determine whether to certify the case to the Supreme Court. If it does so, then the Supreme Court must vote whether to accept it, Armitage said.

Such requests are so infrequent that Armitage said he could not predict how long that process would take.

Olson said the teens are hopeful that this year's record-setting weather extremes will help underscore the urgency of their case.

"Just today, the headlines say this July was the hottest month ever recorded in (United States) history, and that 2012 is likely to end up being the hottest year ever recorded," she said Thursday, referring to data released Wednesday by the National Oceanic and Atmospheric Administration.

When Kelsey was asked if she thinks recent weather extremes might work in her favor in the case, she quickly reframed the question.

"It's not just in my favor," she said. "It's in everyone's interest" to take stronger protective measures.

The certification motion also argues that the Supreme Court should hear the case because it presents "potentially precedent-setting questions" and issues "critical to the ability of Oregon citizens... to compel the state's compliance with the Public Trust Doctrine."

That legal doctrine, which extends back to Roman law, holds that governments are required to protect certain resources, such as water and shorelines, for public use.

The young plaintiffs in the climate change suits are saying the air and atmosphere are protected similarly, Sanerib said.

Most of the other cases also have been dismissed at the request of state officials and are on appeal. But a Texas state judge who dismissed a suit on grounds similar to those cited by Rasmussen noted in her opinion that the public trust doctrine applies to air and the atmosphere.

And a New Mexico state judge last month denied that government's motion to dismiss a case there. She ruled that the case could be tried on its merits, writing that its teen plaintiffs "have made a substantive allegation that... the state is ignoring the atmosphere with respect to greenhouse gas emissions."

"That's awesome and a great step forward," Kelsey said.



Environmental Lawsuit Is About Protecting Our Future

By Akilah Sanders-Reed / Cedar Crest resident, August 23, 2012

In response to Albuquerque Journal board editorial: [Editorial: Climate Lawsuit Hurts Judiciary, Real Debate](#)

The Albuquerque Journal editorial board completely missed the mark in its August 10 editorial about my public trust lawsuit against Gov. Susana Martinez and the state of New Mexico.

The board's assertion that the lawsuit "distracts from the real discussion and action at federal administrative and legislative levels" shows its ignorance regarding the current state of inaction at both federal and state levels when it comes to any sort of legislative solutions to address climate change.

The intent of the lawsuit is to compel the legislative and executive branches to do their jobs and protect my generation's right to a future, which necessitates a healthy climate. Although climate change has become a polarized stalemate issue in Congress, revolving around semi-related economic figures and political agendas, the climate crisis isn't about economics, or politics or convenience – it's about my generation's right to a future.

Twenty-six percent of the United States is too young to vote and must therefore trust the government to act in our best interest, but it has betrayed that trust, squandering away the stability of our planet in favor of short-term profit. So I turned to the one branch of government where I could take concrete action.

Judge Sarah Singleton made the courageous decision to let my case continue. The case is now proceeding to address the issue of whether the state agency charged with protecting the atmosphere has met its public trust obligation.

Under the public trust doctrine, the judicial branch serves as a check on the action, or inaction, of the legislative and executive branches when it comes to protection of public trust resources such as the atmosphere. By allowing my case to go forward, Singleton was simply doing her job.

If the editorial board had bothered to read my amended complaint, it would have seen that I am simply asking the court to compel the state to assess the damage to the atmosphere from current greenhouse gas levels in New Mexico and to produce a plan for reversing that damage and mitigating the effects of climate change. The board's list of extreme scenarios is exactly the type of rhetoric that "distracts from the real discussion" of solutions to the climate crisis.

They also mentioned the EIB decision to repeal New Mexico's carbon cap. The Journal said the case "subverts the will of New Mexican voters"; however, we do not vote for the EIB.

More than 200 youths attended the hearing regarding the decision and gave incredibly moving testimonies based on the effects of climate change, asking the EIB to respect our right to a future and vastly outnumbering the testimonies on behalf of repealing the rule. And yet it was repealed.

I'm often asked: What do I hope to achieve? I hope to win.

I want to show the government and the people of New Mexico that one voice of the population in gravest danger has the power to change the course of the climate crisis, and the course of history. I want to protect my future and the future of the youths of New Mexico.

Our state is a frontline community when it comes to the consequences of the climate crisis; it's in everyone's best interest that this be addressed seriously.

Throughout history, the judicial branch has spurred action, changed country-wide mind-sets, and given a voice to the jeopardized minority.

This lawsuit follows in those footsteps, because we can't afford to wait.



Kansas Teen Files Climate Change Lawsuit

By Michael Ricciardi, OCTOBER 21, 2012



(Topeka, Kansas) – In the current ‘political climate’ of disinformation regarding human-caused climate change, and the pervasive political (Congressional) inertia to do anything substantive about it, it is quite heartening to know that some of the most serious, legal pushes to take action are coming from young people. This should not be as surprising at it may seem at first — young folks (and their future off-spring) will be the direct inheritors of the impacts of anthropogenic climate change — and our generation’s failure to act now.

On Thursday (Oct. 18), 14 year old Samantha Farb of Lecompton, Kansas, became the latest U.S. youngster to file suit (District Court of Shawnee County) against her State under what’s known as the Public Trust Doctrine. The doctrine rests upon a long-standing legal principle that requires all branches of government to protect and maintain certain shared resources fundamental for human health and survival.

Samantha's lawsuit concerns the question of whether or not the State of Kansas has an obligation to protect the atmosphere under the Public Trust Doctrine.

Her stated goal in this litigation is to prevent further increases in her state's CO₂ emissions, and, to compel the State of Kansas to reduce CO₂ emissions to levels [consistent with what current scientific analysis deems necessary to protect the lives and property of its citizens](#) — including future generations.

Kansas has already recognized that state waterways must be protected for the benefit of its citizens. Ms Farb's lawsuit argues that her State's atmospheric quality is directly related to the health of its waters and the health of other "trust resources."

"I live in an agricultural area," said Samantha, "I've noticed how climate change is affecting crops, and I can see how it's affecting the garden in my backyard. I'm filing this lawsuit to demand that my state take the necessary steps to combat climate [change] to protect our way of life and preserve the state's resources for future generations."

The teenager's lawsuit is more than timely: Agricultural production in Kansas has seen record lows this year. The western half of Kansas is in its second year of severe drought, and corn growers in the state have planted the fewest acres in three years. [According to recent environmental assessments, corn-growing regions in the State are being pushed north due to climate change impacts](#), forcing many farmers to replace corn with less water hungry crops like wheat.

According to a recent press release (see links and info, below):

'To combat the negative effects climate change has on the state's economy and agricultural production, Kansas must reduce CO₂ emissions or risk continued crop failures and the resulting economic downturns. Each year Kansas delays making the necessary reductions and transition to renewable energy sources makes it harder to protect the climate system and the Kansas way of life.'

Samantha's lawsuit is the newest Atmospheric Trust Litigation (ATL) case to be filed in the U.S. Such ATL cases — supported by the TRUST Campaign — are the basis of what seems to be a growing, politico-enviro youth movement.

Beginning in May, 2011, young litigants initiated legal suits across the nation to compel their states to take action to reduce CO₂ emissions in order to restore critical natural resources and ecosystems currently threatened by human-induced climate change.

Speaking on behalf of Samantha, ATL attorney Bob Eye, issued this statement:

"This lawsuit argues that the State of Kansas is obligated under the public trust doctrine to take steps to reduce carbon dioxide emissions to a level that will eventually mitigate the effects of global warming. Applying the public trust doctrine to protect atmospheric resources is no different than using it to protect water resources. This is a forward-looking case and it is

appropriate that the plaintiff is a high school student. Samantha Farb's generation, as well as those that follow, will be faced with the catastrophic impacts of global warming if we do not act soon to deal with the pollutants that cause the problem. We think the public trust doctrine is a recognized means to compel government officials to do their duty to protect atmospheric resources and the public's interests."

Author Comment:

While one can imagine critics claiming that adults with a political agenda are "behind" such youth litigation, my experiences with young people inform me that many have very real worries about the future in regards to global warming and climate change impacts. Ms. Farb seems in many ways typical of the intelligent, concerned youth I have encountered in my past experience as an educator. The likelihood that organizations such as those listed below make themselves known and available to such informed youth seems no different to me than any other conservation or environmental org offering its advocacy/support to concerned adults.

Top photo: from the ourchildrenstrust.org website.

For more information on the TRUST Campaign and related causes, check out these groups/organizations:

Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are supporting youth in the coordinated Atmospheric Trust Litigation effort. We are here to empower youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children—and their children's children. www.ourchildrenstrust.org/

Main contact: [Julia Olson, julia@ourchildrenstrust.org](mailto:julia@ourchildrenstrust.org)

iMatter is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. Using multiple platforms at the local, state, and national level, we are committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters. www.imattermarch.org/

WITNESS is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. In partnership with the TRUST Campaign we seek to bring visibility to the challenges our youth already face because of the changing climate and call for a massive assault on fossil fuel emissions. Without an all-out assault, effects will range from drought to disease; from food shortages to tainted water supplies; from the loss of homes due to floods, erosion and fire to massive relocations. The human rights challenge is most succinctly summarized by Mary Robinson, "Climate change will, in short, have immense human consequences."

WITNESS partnered on this campaign in hopes that predictions will not become realities. To view the stories from our youth included in the TRUST Series go to www.witness.org/campaigns/all-campaigns/imatter or www.ourchildrenstrust.org/trust-films.

Hurricane Sandy blows climate change back on the table

Today is election day in the US, but climate change should have been on the campaign agenda months ago. It shouldn't take a disaster like superstorm Sandy to finally bring it back into the conversation.

By Sarah Strand / November 6, 2012



Voters wait in a line to cast their ballots outside of a polling site built to service residents of the Breezy Point and the Rockaways neighborhoods in the New York City borough of Queens, whose original site was damaged during hurricane Sandy, Nov. 6. Op-ed contributor Sarah Strand writes: "Scientists link climate change to increasingly volatile and extreme weather conditions....[W]e must take Sandy as a sign of what's to come." Lucas Jackson/Reuters

Somerville, Mass.

The devastation caused by superstorm Sandy, particularly in New York and New Jersey, is tragic, but the hurricane has at least put climate change back on the map. Scientists link climate change to increasingly volatile and extreme weather conditions, such as those experienced last week. Americans must take Sandy as a sign of what's to come – based on a problem we have largely helped to create. Storms like Sandy are only part of a much larger issue that will wreak havoc far afield from the Eastern seaboard.

It's unacceptable that it took a disaster like Sandy to finally bring climate change back into the conversation. Today is election day in the United States, but climate change should have been on the campaign agenda months ago. In fact, it should always be on the agenda. The evidence shouldn't be disputed any longer. Climate change is real, and its effects are being seen in real time.

Climate change cannot be blamed for Sandy's propagation, but it is linked to the magnitude and destruction we see with Sandy and similar storms. Warmer ocean temperatures fuel stronger

cyclones, according to Radley Horton of The Earth Institute of Columbia University. Rising sea levels, like those New York has experienced over the last century, contribute to greater storm surge and flooding. What might have been a tame storm can become a monster – a Frankenstorm.

News of Sandy and its terror quickly circulated around the world, putting everyone's eyes on the East Coast. However, it's time the public looked toward the area most deeply endangered by and entangled in the issue of climate change. It's time to look north.

As whispers of climate change first began to circulate, it was hypothesized that the greatest warming would occur in the Arctic. Data published earlier this year by NASA's Goddard Institute for Space Studies clearly gives truth to this claim. Nine of the 10 warmest years in meteorological record have occurred since 2000, and the greatest increases in temperature have been experienced in the Arctic.

A heatwave in July 2012 melted 97 percent of the surface of Greenland's ice sheet. That's the largest surface melting that has occurred in more than 30 years of satellite monitoring of the ice sheet. According to the National Snow and Ice Data Center, sea ice coverage in the Arctic this September narrowly avoided surpassing 2007's all-time low. And most climate scientists predict the worst is yet to come.

Continued melting trends in the Arctic have the potential to fuel even higher temperatures. As snow and ice melt in the Arctic, the area loses albedo, or reflectivity. Less reflectivity means more heat is absorbed, leading to increased temperatures. Increased temperatures accelerate melting, which can cause glacial surges and increased calving of ice into the ocean. Melting also occurs within the land surface in areas of permafrost, or frozen ground. Some permafrost contains stores of greenhouse gases, which can be released into the atmosphere upon melting.

We are dealing with a large snowball of aggregated environmental issues, and we are coming dangerously close to pushing that snowball over the edge.

It's hard to keep the effects of climate change in mind when much of what we experience in North America is isolated events or storms. But we have to keep climate change at the forefront; the Arctic is severely suffering from our consumerist and carbon belching lifestyle. And the issue isn't just melting ice.

The [international nonprofit WITNESS](#) has partnered with other groups on [its TRUST campaign](#), using video storytelling to highlight the effects of climate change in the lives of American youth. Nelson Kanuk, age 17, can only watch as melting permafrost in Alaska brings his home closer to the riverbank each year. Inuit are losing their ability to survive off of traditional subsistence hunting and are thus at risk for losing much of their identity and home. A multitude of species are experiencing range shifts and decreased numbers. Remember those adorable polar bears? Some have turned to cannibalism in order to skirt starvation.

In 2006, Time Magazine ran a special report on global warming with large, bold letters: "Be worried. Be very worried." There is significant evidence of the insidious effects of climate

change worldwide, and more obvious effects in the Arctic. If we ever want to see serious American climate change policy, we need to come to a greater consensus. Climate change is real, and it's taking the land right out from under our feet.

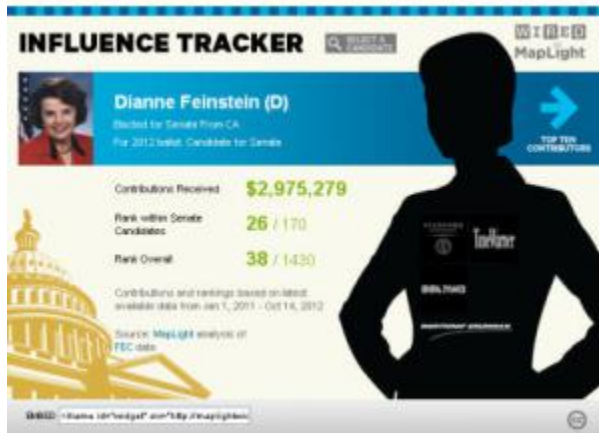
Sarah Strand is an undergraduate student in the combined-degree program between the School of the Museum of Fine Arts and Tufts University, where she is majoring in geological sciences.



Web Widget Exposes Who's Really Paying For Political Campaigns

October 19, 2012

Reporting Doug Sovern



Screen image of MapLight.org's Influence Tracker widget. (maplight.org)

SAN FRANCISCO (KCBS) – Wouldn't it be great if political candidates wore their financial sponsors on their clothes – you know, like professional race car drivers?

Well, it turns out we can in fact see who's really bankrolling the politicians, thanks to a new web widget that virtually "decorates" the candidates with the logos of their corporate backers.

"You'll see a silhouette of your politician along with the logos of some of their top campaign contributors. Like NASCAR, we put the logos on the suits of the politicians so you can see who's sponsoring them," explained maplight.org president Daniel Newman.

KCBS' Doug Sovern Reports:



Newman's Berkeley-based MapLight, "a nonpartisan research organization that reveals money's influence on politics in the U.S. Congress and in the California and Wisconsin Legislatures," teamed with Wired to create the Influence Tracker app, which is available for download at maplight.org.

"This provides actual data about the money that fuels their campaigns and the interest groups behind them," Newman said. "And the purpose of this widget is to show the river of money that underlies all of politics and is influencing what politicians do."

See the big money behind every California ballot proposition

By Phillip Reese, October 24, 2012

Campaigns backing state ballot propositions have cumulatively raised more than \$250 million in contributions - roughly \$17 for every California resident likely to vote in a couple of weeks, according to data from the California Secretary of State.

Raising the most contributions are Jerry Brown's tax initiative; a competing tax initiative by wealthy lawyer Molly Munger; an initiative that would curb union and corporate political spending; and an initiative requiring labeling of genetically-modified foods.

In several cases, the vast bulk of financing for a ballot initiative comes from a single, wealthy individual.

This chart, using data from election funding tracker [MapLight](#) shows the largest single donor for and against each proposition. Follow the links to learn more about particular propositions or donors.

Source: [MapLight](#); [California Secretary of State](#)

Measure	Intent	Biggest Supporter	Biggest Opponent
Prop 30	Raises taxes for education, public safety	Service Employees International Union (\$8,565,406)	Charles T Munger (\$21,949,561)
Prop 31	Two-year state budget cycle	Nicolas Berggruen Institute (\$1,557,587)	AFL-CIO/AFSCME (\$92,131)
Prop 32	Ban on corporate, union contributions	Charles T Munger (\$22,941,765)	CA Teachers Association (\$20,482,458)
Prop 33	Car insurance rates based on history	George Joseph/Mercury Insurance (\$16,422,127)	California Nurses Assoc. (\$97,500)
Prop 34	Ends death penalty	The Atlantic Advocacy Fund (\$1,000,000)	Peace Officers Research Assoc. (\$184,967)
Prop 35	Increases penalties for human trafficking	Chris Kelly (\$2,160,000)	None
Prop 36	Changes "three strikes" law	George Soros (\$1,000,000)	Peace Officers Research Assoc. (\$100,000)
Prop 37	Labels genetically engineered food	Organic Consumers Fund (\$1,334,865)	Monsanto (\$7,105,582)
Prop 38	Raises taxes for education	Molly Munger (\$32,978,399)	California Chamber of Commerce (\$23,500)
Prop 39	Raises taxes for clean energy	Thomas Steyer (\$21,900,000)	General Motors (\$20,000)
Prop 40	Nullifies State Senate redistricting	Charles T Munger (\$599,102)	California Republican Party (\$1,749,562)



California ballot measures draw free-spending billionaires

By Peter Henderson, Monday, October 29, 2012



A group of demonstrators hold signs during a rally in support of the state's upcoming Proposition 37 ballot measure outside the Ferry Building in San Francisco, California October 6, 2012.

Credit: Reuters/Stephen Lam

SAN FRANCISCO (Reuters) - A handful of individual super-donors, business groups and unions have poured more than \$350 million into California ballot initiatives ahead of the November 6 election, underscoring the extent to which the state's system of "direct democracy" has morphed into a big-money battleground.

Some of the spending is directly tied to the financial interests of the donors. Food and agriculture interests, for example, have spent \$43 million so far to defeat a proposition that would require labeling of genetically modified foods, according to non-partisan researcher Maplight, which uses state data for its calculations.

In other cases, long-standing political divisions are at play: the most expensive single battle is over Proposition 32, which would ban payroll deductions for political activity and strikes at the core of labor unions' power. Unions have led a "no on 32" campaign that has raised \$68.8 million.

On the other side, Stanford physicist Charles Munger Jr, son of Warren Buffett's partner Charles Munger, sees the effort to do away with payroll deductions as a way to rein in special interests, and has put up nearly \$36 million of the \$59 million raised to pass it.

"There is going to be a lot of money spent in California on this, and all the voters are going to hear both sides," he vowed in an interview a month ago.

Propositions were added to the California political mix in 1911 by reformist leaders who wanted voters to be able to stand up against special interests - mainly railroads, at that time.

By gathering signatures - 504,760 are currently required, with extras in case some are thrown out - anyone can in principle get a simple proposition on the ballot. If a majority of general election voters say yes, the measure passes into law.

Today though, many of the measures are sponsored by groups that could themselves be called special interests. Almost no proposition gets on the ballot without the use of professional signature gatherers, which can cost several million dollars. Many millions more are usually needed for ad campaigns to generate voter support for passage.

Billionaire hedge fund manager Tom Steyer has all but single-handedly sponsored Proposition 39, spending nearly \$29 million on a measure to close a corporate tax loophole. It would force companies with out-of-state operations to pay taxes based on California sales, rather than the number of California workers, raising approximately \$1 billion annually.

"The proposition system is working exactly the way it is supposed to, which is to give a direct democracy vote to the people of California in opposition to organized, rich interests, who are opposing them," said Steyer.

"It is ironic," to see the super-rich fund direct democracy, he said, but noted that the legislature had failed in several attempts to close the loophole he opposes.

Indeed, ballot propositions have become a preferred means for legislating in a state where Democrats have enough political strength to crush conservative policies, but lack the two-thirds supermajority needed to pass tax hikes.

A tax measure by Governor Jerry Brown, Proposition 30, is a case in point: when he was unable to persuade any Republican legislators to support his plan, which would avoid further school funding cuts by increasing the sales taxes and raising income tax on those earning more than \$250,000, he took his case to the voters.

Brown's team has a \$61.8 million war chest. Opponents, including Charles Munger Jr, have put up \$52.8 million.

And Munger's half-sister, Molly, a Los Angeles attorney and education activist, has spent more than \$44 million on a tax hike initiative that competes with Brown's plan and would funnel more money to schools.

This year, the list of wealthy individuals with a cause is lengthy: billionaire industrialist Nicolas Berggruen's trust is behind Prop 31, which would create a two-year budget cycle. Hotel heir Nicholas Pritzker is one of the two biggest supporters of Prop 34, to end the death penalty, while hedge-fund titan George Soros is the biggest donor to Prop 36, which would soften the state's tough "three strikes" sentencing law.

Funding for the 11 ballot measures on the ballot topped \$353 million last week, Maplight calculated, adjusting to avoid doublecounting contributions to committees active on more than one issue.

Mark Baldassare, president of the Public Policy Institute of California, said that one of the rules of thumb of propositions is that it is easier to buy failure. Overall, only a third of ballot measures pass.

"Money on the 'no' side matters quite a bit. Money on the 'yes' side doesn't necessarily get you a 'yes' vote," he said.

Polls suggest Brown's tax measure, as well as the anti-union payroll deduction initiative and the genetically modified food initiative, Proposition 37, have all been undercut by intensive advertising on the "no" side.

theguardian

Prop 37: food companies spend \$45m to defeat California GM label bill

The contentious measure would require labels on GM food sold in supermarkets, but would not cover restaurants

Suzanne Goldenberg, US environment correspondent
Monday, November 5, 2012



Labels on bags of snack foods indicate they are non-GMO food products. Opponents say the labels would be burdensome to retailers, and would force prices to rise. Photograph: Robyn Beck/AFP/Getty Images

Monsanto and other agribusiness and food companies [have spent more than \\$45m \(£28m\) to defeat a California ballot measure](#) that would require labelling of some GM foods.

The measure, [proposition 37](#), is one of the most contentious initiatives on California's election ballot on Tuesday.

If it passes, it would require labels on GM food sold in supermarkets, but would not cover restaurants. It also has a number of gaping loopholes. For example, the law would not require labels on meat from animals that were fed GM corn.

Even with those caveats, the agribusiness and food companies have outspent the yes side by about five to one trying to kill the bill. Monsanto alone has spent more than \$8m.

"I think it's a David and Goliath story with the companies that manufacture or benefit from genetically engineered food being the Goliath," said David Newman, president of Maplight, which tracks the influence of money in politics.

"When you see this lopsided spending it indicates that the measure is popular with voters and opponents think they need to spend a lot to defeat it. There is a lot at stake here not just in California but how it will trend in the rest of the country."

California's ballot initiatives often take on huge importance. Often they are seen as laboratories for new ideas, that are adopted later in the rest of the country.

The bill is mainly supported by organic food companies, although the actor Gwyneth Paltrow also contributed \$15,000, according to campaigners.

Supporters argue the consumers have a right to know if they are eating GM foods. Opponents – overwhelmingly corporations such as Monsanto, Dupont, Pepsico and Nestle – say the labels would be burdensome to retailers, and would force prices to rise.

Others support the idea of labels in general but argue that this particular initiative is poorly written.

A label requirement could have a sweeping effect on the American foods industry. About 90% of American-grown corn and soybean are GM. Other large crops, such as canola and sugar beet, also tend to be GM.

San Jose Mercury News

Break the grip of wealthy interests controlling California's ballot measure system

By Daniel G. Newman, Op-Ed

November 7, 2012

California voters gained the power to place measures on the ballot a century ago to break the grip of wealthy interests controlling government. Initially, the requirement to gather large number of petition signatures ensured that only measures with broad popular support would make it to the ballot.

Now paid signature gatherers qualify any measure, for a price. It's largely wealthy companies and rich individuals who wrote the 11 state measures Californians voted on Tuesday.

Do you have \$1 million to spare? No? Then your money didn't matter much in the ballot measure campaigns. There were just 47 funders who spent \$1 million or more on the campaigns, but their funds made up a whopping 80 percent of all funds raised.

Three common-sense changes to California's ballot measure system would make citizens' voices count more and big bank accounts count less.

First, television ads should display the top three funders on the lower third of the screen, in plain white type on a black background, for the entire length of the ad. All other political advertising should prominently display the top three funders of the ad as well. The ads should show the original source of the funds, not innocuously named front groups for money laundering.

Campaign advertisements are often biased and misleading, but the financial supporters of measures are facts. Requiring prominent transparency in advertising will help voters evaluate the credibility of the messenger as well as the message, decreasing the influence of those seeking to buy a law.

The California Disclose Act, which included some of these transparency provisions, was narrowly defeated in the Assembly earlier this year. In the wake of the \$372 million contributed to California ballot measures to date, including scandalous anonymous donations, a stronger version of the Disclose Act will return to Sacramento with more strength and citizen support.

Second, we should not allow paid signature gatherers to be paid by the signature, and petitions should prominently display whether they are being circulated for pay or by volunteers. These changes would keep voters informed about the monied influence behind a potential measure, and make it harder for wealthy interest groups to qualify ballot measures that lack genuine public support.

Gov. Jerry Brown vetoed a bill last year that would have prevented signature gatherers from being paid by the signature, but with increasing citizen disgust at money-dominated politics this measure is ripe to return.

Third, the five-month window to gather signatures is simply too short to qualify ballot measures using all volunteers. Increasing this window to one year would make it possible for ballot measures with broad popular support to qualify for the ballot using all-volunteer signature campaigns. This change would open up a window for citizen ballot measures -- measures backed by popular support, popular concern or popular desire to see change in our state.

With these three changes, big checkbooks would still speak loudly on the ballot but the collective voices of citizens would be speaking as well.

Follow the Money

MapLight, a nonprofit that crunches data to determine the influence of money in politics, aims to make government more accountable **BY BRANDON KEIM**

IN FEBRUARY 2011, California State Assemblyman Charles Calderon introduced Assembly Bill 1158, which would permit payday lenders—suppliers of short-term, high-interest loans typically secured against a borrower’s next paycheck—to make advances of \$500, up from the previous cap of \$300. Payday loan recipients often put themselves in a financially precarious position; the prospect of larger loans, at interest rates topping 400 percent, threatens to trap borrowers in vicious cycles of debt.

Two months after Calderon introduced the bill, Californians were alerted to an interesting fact: The assembly’s single largest recipient of campaign donations from payday loan companies was none other than Calderon, who took \$31,450 between 2003 and 2011. His brother, California State Senator Ron Calderon, received \$50,000, more than any other state legislator. Correlation isn’t causation, and it’s hard to tell for sure whether campaign donations really purchase political decisions—but this particular correlation stank.

“Don’t Let Payday Lending Outfits Buy a Bad Bill,” opined *The Sacramento Bee*, the state capital’s newspaper. The *Bee* was one of several dozen publications to decry the predatory proposal and its industry-sponsored sponsor. AB 1158 did not pass.

Providing the funding figures that hastened the bill’s undoing was MapLight, a nonpartisan watchdog group founded in 2005 by Dan Newman, a computer programmer and frustrated political activist. Thanks to coding chops, media caniness, and research know-how, MapLight has become an important and popular source of US political information, fusing multiple data streams about campaign and other contributions into analyses that once would have taken hours or days to assemble. MapLight’s reports reach millions through the news media, and thousands of people use the organization’s tools to conduct their own research. This is accomplished with a staff of 12 employees on a budget that many Silicon Valley startups would consider a rounding error.

“We’re in a new Internet era for nonprofit groups,” Newman says. “In the last three weeks, with the California primary, we were cited in *The Wall Street Journal* and *The New York Times*. Twenty years ago, a 12-person group couldn’t have had that type of reach.”

CONNECTING CITIZENS TO LEGISLATION

Early in the millennium, Newman’s full-time job was at a software



MapLight’s Daniel Newman and DeAnna Dalton analyze web tools for tracking money in politics.

company that translated speech into text. Political activism was a hobby, and one with which he soon grew disillusioned. “I noticed how much money was affecting and distorting political issues, but it wasn’t covered very much in the news and people didn’t talk about it very much,” Newman recalls. In 2004, he campaigned for a ballot measure to bring public financing to political campaigns in Berkeley, Calif., a left-leaning city that might be expected to support any populist measure. The measure was solidly defeated.

To Newman, the loss demonstrated the average citizen’s disconnect from political realities. Public financing was a solution, but people didn’t even appreciate the problem. “Most people had no idea how much money is corrupting our political system,” Newman says. He also realized that although some people see money in politics as a crucial issue, it is not one with which they are emotionally engaged. MapLight was designed to make the underlying issue of money in politics emotional.

Newman’s epiphany came at a fortunate moment. The ubiquity of computers and high-speed Internet access, combined with the digital access to information, enabled citizen demands for government transparency. Sites like Govtrack.us, launched in 2004 to

BRANDON KEIM is a freelance science, environment, and technology journalist. In previous *SSIR* articles, he’s written about green building, disaster relief, the global coffee trade, and urban transportation development.

provide comprehensive, user-friendly tracking of legislation, hinted at what would soon become a movement.

Newman co-founded TakeBackCA.org, a database that tracked where politicians got their money and cross-indexed it with their voting records. Within an hour of state congressional votes, Californians could see how their representatives voted and where. It was heavy going—California didn't yet put lawmaker votes on the Internet, so interns had to code the information manually—but it hinted at what would be possible two years later, when TakeBackCA.org relaunched as MapLight.

In its new incarnation, MapLight draws on multiple sources: Legislative records from Govtrack.us; donations and industry classifications from the Center for Responsive Politics; and its own research team for tracking which companies, organizations, and interest groups support or oppose congressional bills. These sources feed MapLight's database, which correlates political donations and a politician's vote and analyzes funding alignments on both sides of a bill.

"If it gives constituents a chance to see what the relationships are, that's an important check on the interests seeking influence," says Sheila Krumholz, executive director of the Center for Responsive Politics. But Krumholz also has concerns: The "broad brush" correlations MapLight draws make it easy to infer corruption where none exists, she says.

In a similar vein, Joshua Tauberer—the architect of Govtrack.us—lauds MapLight's technical competency, but thinks it presents an oversimplified view of money's role in politics, blurring correlation and causation. "They correlate the campaign contributions of left-leaning organizations with left-leaning members of Congress. You see, to no surprise, votes correlated with money. In that situation, there's clearly no reason to think there's a causal link. People give money to candidates who are roughly in line with their views," Tauberer says.

Newman acknowledges the criticism of causal links, but thinks ambiguity is preferable to opacity. "Although these data could theoretically be misused or misinterpreted, the risks from a lack of transparency are far greater," he says.

DATA FOR ACCOUNTABILITY

Anyone can use MapLight's tools: citizens, journalists, and activist groups like the Citizens for Responsibility and Ethics in Washington (CREW). CREW compared the 2010 fundraising of senior House committee members with their 1998 totals and found that donations from committee-regulated industries grew nearly three times faster than donations from parties outside the legislators' newfound influence.

"One of the themes throughout our organization is the combination of technological and research expertise," Newman says. "How do you combine it so it gives insights? And how do you present the data so it's meaningful? We combine the technical work with what it means."

In addition to developing its own reports, MapLight answers organizational requests. The nonprofit Alliance of Californians for Community Empowerment (ACCE), for example, asked for help on a campaign protecting homeowners from abusive foreclosures.

ACCE was frustrated by financial industry links to state legislators who killed a first round of proposed protections in committee, and decided to focus on those influences. MapLight staff helped research and draft several reports, and on July 2, 2012, state legislators passed the Homeowner Bill of Rights. "A lot went into the bill, but one key piece was taking the gloves off around the issue of money and politics," says ACCE executive director Amy Schur.

MapLight also is responding to the 24-hour news cycle. When the nonprofit started, staff posted voting analyses one day after votes occurred. That's been shaved to an hour, sometimes less, so journalists can use MapLight's information immediately. "We have information on votes when it's current and in the same news cycle," says DeAnna Dalton, MapLight's advancement director.

Yet MapLight's impact is tricky to measure. Even if a bill is defeated or a politician pushed from office, it's difficult to isolate the role a piece of public information played. MapLight calculates its success by the number of people it reaches. In 2009, Newman says, MapLight reached 16 million people; in 2011, that number had jumped to 55 million, the estimated audience of some 1,500 news reports that cited MapLight data. Audience-at-a-distance is a somewhat fuzzy number, but its tripling is impressive, especially because in that time MapLight's budget increased from only \$705,000 to \$917,000.

Two-thirds of MapLight's budget comes from 18 foundation grants. The roster includes the Rockefeller Family Fund, the James Irvine Foundation, and the Sunlight Foundation, another transparency watchdog whose \$200,000 grant in 2007 was crucial to MapLight's establishment. The other third comes mostly from individual donors. About 80 percent of the budget goes to pay staff.

MapLight's research has limitations. Most obviously, it can work only with the data to which it has access; many data sets are difficult to acquire, if not outright hidden. Congressional voice votes aren't officially recorded; congressional committee hearing times, voting records, and transcripts are often hard to find; lawmakers don't have to disclose meetings with lobbyists; and the White House visitor log is inconsistently kept and released in non-searchable electronic image formats, as are campaign contributions to senators.

For MapLight, filling these gaps is the organization's great challenge. Ultimately, Newman envisions a database that will visually represent whole networks of influence relationships. "The ultimate influence database is what the Internet was built for," he says. Building that database will cost an estimated \$5 million.

In the short term, MapLight's goals are more prosaic: expanding during the election cycle to cover ballot measures in six states. It will provide the technical platform, Newman says, but local citizens will collect the data with MapLight training, when needed. Eventually, MapLight plans to provide services in all 25 states with ballot measures.

"We've seen leaps and bounds of improvement in finding products online, and in purchasing products online with one click, but there hasn't been the same financial investment in technology to hold government accountable," says Newman. "There are maybe thousands of tech startups that each have as much resources as the entire government accountability field. Yet the field is doing tremendous work with those limited resources." ■

SFGate

Wealthy who avoided the 'fiscal cliff'

By Joe Garofoli

Friday, January 11, 2013

When he announced the "fiscal cliff" compromise this month, President Obama promised that upper-income Americans would be paying their fair share. But he failed to fulfill a campaign promise to change part of the tax code that benefits some of the richest people in the country.

Some of the wealthiest Americans - such as private equity managers, hedge fund managers and venture capitalists - will continue to enjoy the provisions of a legal, but controversial, part of the tax code that allows them to avoid pay billions in taxes.

Part of the reason this provision wasn't changed, analysts say, is the financial power of this sector. In the Bay Area alone, employees of top money firms donated \$6.7 million to federal candidates and political committees during the 2012 election cycle.

An analysis was performed for The Chronicle by MapLight, a nonprofit that analyzes the effects of money and politics and was based on latest available data from the Federal Election Commission as of Tuesday.

"It is a clear example of how political contributions have a high return on investment," said Daniel G. Newman, president and co-founder of MapLight. "Millions in political contributions brought billions of tax breaks for some of the wealthiest people in America."

Money managers at privately held partnerships typically are compensated largely through a 20 percent bonus they receive on the profits they make, known as the carried interest. They often receive 2 percent of the fund's assets, too.

Under current law, fund managers can have the bonus income taxed at the 20 percent capital gains rate if they hold the income long enough, instead of the 39.6 percent personal income tax rate.

Broken promise

Four years ago, Obama promised that he would end the practice of taxing carried interest as capital gains instead of as regular income. Such a change could raise an estimated \$13 billion to \$20 billion over the next decade, according to federal and industry figures, and affect 36,000 to 65,000 people.

But Obama failed to live up to his 2008 promise, according to the nonpartisan fact-checkers at Politifact.com who recently rated it a "broken promise" of his first term.

A White House official told The Chronicle that Obama still supports closing the loophole.

Good-government advocates and some tax analysts describe such a change as fiscal low-hanging fruit that Congress could pick: It could raise billions of dollars for the rickety economy while affecting a relatively small slice of well-off people who could absorb the financial blow.

"But politically, it is not low-hanging fruit," said Victor Fleischer, an associate professor of law at the University of Colorado who has testified before Congress several times on the issue. "There are a lot of powerful interests who don't want that changed."

Bay Area contributors

Californians who would be affected by such a change include some political heavy-hitters from both major parties.

Some of the top Bay Area contributors in the sector studied by MapLight include employees of the Westly Group, named for its founder, Democrat Steve Westly, the former California state controller and venture capitalist who was one of Obama's top fundraisers.

Also near the top of the list were employees of Farallon Capital, which was co-founded by billionaire Thomas Steyer, the Democrat who put \$32 million of his own money into passing Proposition 39. The measure will close a tax loophole that affects out-of-state corporations and could send an estimated \$1 billion a year to the state for public education and green jobs.

Big source of money

Nationally, the financial sector has been the largest source of campaign contributions to federal candidates for several cycles, according to the nonpartisan watchdogs at the Center for Responsive Politics. But industry representatives downplay a link between their political contributions and preservation of the carried interest provision.

"You can make that argument for literally every single thing out there," said Mark Heesen, president of the National Venture Capital Association. Nearly 60 percent of its members live in California.

There are 3,300 venture capitalists in the United States, and at least 60 percent of them, Heesen said, will not be able to take advantage of the carried interest provision. It is challenging for many venture capitalists to have a portfolio successful enough to have that kind of profit.

Some private equity high-earners who benefit from the way carried interest is currently taxed say that they already are paying more in taxes after the fiscal cliff deal, which raised the capital gains rate from 15 to 20 percent. Add another 3 percent tax onto that for high earners as part of the new health care law, and they say they just experienced a major tax increase.

Still, financial industry leaders know that Obama and others in Washington will raise the issue again, possibly during the upcoming debt ceiling negotiations.

Cutting national debt

Steve Judge, president and CEO of Private Equity Growth Capital Council, which represents some of the nation's largest firms, said the bump in the capital gains tax contributed to cutting the national debt.

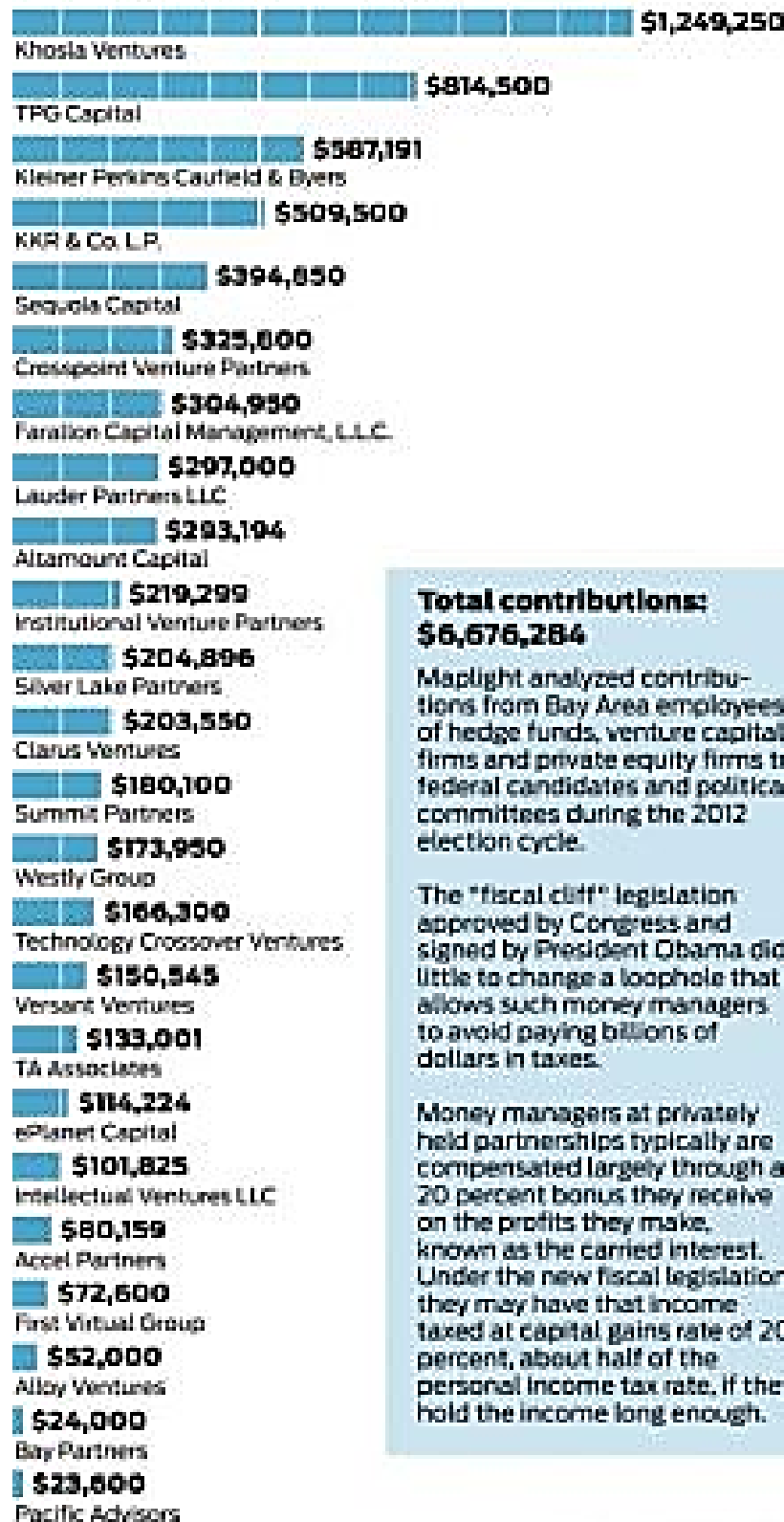
"It is our hope that any tax reform effort in 2013 will be about crafting policies that incentivize economic growth," he added.

On a macro level, venture capitalists and private equity managers fear that modifying the carried interest provision could have a negative effect on the economy. Private equity firms invested \$144 billion in 1,700 U.S.-based companies in 2011, according to the Private Equity Growth Capital Council.

U.S. companies founded with venture capital have created 12 million jobs, according to a study done for the Venture Capital Association.

2012 federal election contributions

Top Bay Area private equity firms



Total contributions:

\$6,676,284

Maplight analyzed contributions from Bay Area employees of hedge funds, venture capital firms and private equity firms to federal candidates and political committees during the 2012 election cycle.

The "fiscal cliff" legislation approved by Congress and signed by President Obama did little to change a loophole that allows such money managers to avoid paying billions of dollars in taxes.

Money managers at privately held partnerships typically are compensated largely through a 20 percent bonus they receive on the profits they make, known as the carried interest. Under the new fiscal legislation, they may have that income taxed at capital gains rate of 20 percent, about half of the personal income tax rate, if they hold the income long enough.

Source: Maplight

John Blanchard / The Chronicle

California can shine a light on national 'dark money' in campaigns

By Daniel G. Newman

01/26/2013

The disastrous Citizens United Supreme Court decision three years ago unleashed a flood of political money unprecedented in U.S. history. Organizations can now raise and spend unlimited amounts of money to influence elections, without disclosing where that money came from. These "dark money" groups spent hundreds of millions of dollars nationally to influence November's elections.

In California, this dark money poured into campaigns for California's congressional representatives, and for state ballot measures. Most notably, a group called Americans for Responsible Leadership spent \$11 million to influence Propositions 30 and 32 -- without disclosing its donors. Chairwoman Ann Ravel led California's Fair Political Practices Commission in a lawsuit against the group to pry free the basic civic information of who was funding their efforts to influence California elections.

The state's suit was successful, but only up to a point. Americans for Responsible Leadership was forced to reveal that it received the \$11 million from a second group, the Center to Protect Patient Rights, which in turn received it from a third group, Americans for Job Security.

The donors to this third group are still secret today -- and the current law allows them to remain that way. Voters now know the nondescript names of three secret groups that funneled money -- but are still in the dark about who really influenced California's ballot measures.

Citizens United also freed corporations to spend unlimited amounts to influence elections. The public doesn't know the extent of corporate spending on elections, because the law currently allows corporations to keep their spending secret. Consumer-facing corporations, sensitive to public perceptions of political influence, are able to hide their political spending by financing trade associations, like the U.S. Chamber of Commerce, that do not have to disclose their donors.

And we certainly can't rely on corporations to voluntarily self-disclose. In a public statement to its shareholders, the insurance giant Aetna promised to be transparent about its political spending. Then, it accidentally revealed in a year-end regulatory filing that it contributed \$4.5 million to the Chamber of Commerce to influence elections -- a mistaken disclosure that it promptly deleted from its public filing.

Congress will not be acting to reveal this secret money anytime soon. Republicans in Congress will continue to block the DISCLOSE Act and similar sunshine attempts, because the dark money overwhelmingly benefits them.

In November's elections, 85 percent of dark money supported Republicans, according to research from the nonpartisan Citizens for Responsibility and Ethics in Washington.

In California, we can ourselves take major steps that will unmask some of this secret money nationally, leveraging our position as the nation's most populous and most influential state. These three California proposals, if implemented at the state level, would reveal dark money across the nation:

First, the state could make use of its tremendous purchasing power to require that companies contracting with the state disclose all their political contributions -- national, state, and local. It's bad enough that government contractors contribute to politicians who can help them win contracts. We citizens should at least know what these contributions are.

Second, California could require that all companies doing business in the state disclose all their political contributions -- national, state, and local. As the eighth largest economy in the world, California can use our economic size to leverage the political transparency that is critical for our democracy.

Third, California could require disclosure of every entity making major contributions to the type of "pass-through" dark money groups implicated in the \$11 million political money-laundering case. California could require the disclosure not just of the generic name of an organization, but of all the organization's major donors, if the organization's money was spent on California elections. This change would mean that, in the case of the laundered \$11 million, all three dark money groups that touched the funds would have to disclose all their major donors, opening up a window into these groups' funding sources nationally.

Reforms such as these are well within our grasp. In both chambers of the California Legislature, there have been proposals for legislation, such as the California Disclose Act (SB 52) in the current session, which would bring greater accountability to our elections. What we need now, though, is to move beyond mere proposals.

The California public is disgusted with our broken system of money-dominated politics. Any or all of these three changes made by Sacramento lawmakers would shine a bright light on dark money nationally, while endearing their legislative champions to the California public.

Daniel G. Newman is co-founder and president of MapLight, a nonpartisan research organization revealing money's influence on politics. He is a 2011-13 network fellow at the Edmond J. Safra Center for Ethics at Harvard University.

NRA spent \$15 million to oust President Obama from office in 2012, and donated overwhelmingly to Republican candidates

As Congress begins debate on whether to enact new gun restrictions proposed by President Obama in the wake of the massacre at Sandy Hook Elementary school, newly released figures show that the NRA shelled out big bucks through its political action committee to defeat Obama in 2012.

By David Knowles
Monday, February 4, 2013



(Photo by Whitney Curtis/Getty Images)

Republican presidential candidate and former Massachusetts Governor Mitt Romney speaks during the NRA's Celebration of American Values Leadership Forum at the NRA Annual Meetings and Exhibits April 13, 2012, at the Edward Jones Dome in St. Louis, Missouri.





As far as the NRA is concerned President Obama remains public enemy number one.



Well before the gun rights group cut its much maligned ad labeling Obama an “elitist hypocrite” for accepting Secret Service protection for his daughters while coming out against the NRA’s call to place armed guards in every American school, the organization had set its sights on bringing the president down.

An analysis of data from the Federal Election Commission reveals that the National Rifle Association and its political action committee spent a whopping \$15 million to try and make sure Obama would not be re-elected in 2012, the most the group spent either for, or against, any single candidate.

MapLight, a California-based nonpartisan research organization that tracks money in politics, [reviewed](#) campaign spending by the NRA and found that in addition to the cash the group shelled out to pay for negative ads targeting Obama, the group also donated \$3.4 million to promote Mitt Romney's candidacy.

Top Contributors, 2011-2012

Contributor		Amount
National Rifle Assn		\$1,087,892
Safari Club International		\$379,563
National Assn for Gun Rights		\$83,000
Gun Owners of America		\$59,068
National Shooting Sports Foundation		\$34,000
Ohio Gun Collectors Assn		\$22,000

Contributions to Democrats  Republicans  Outside Spending Groups 

Center for Responsive Politics

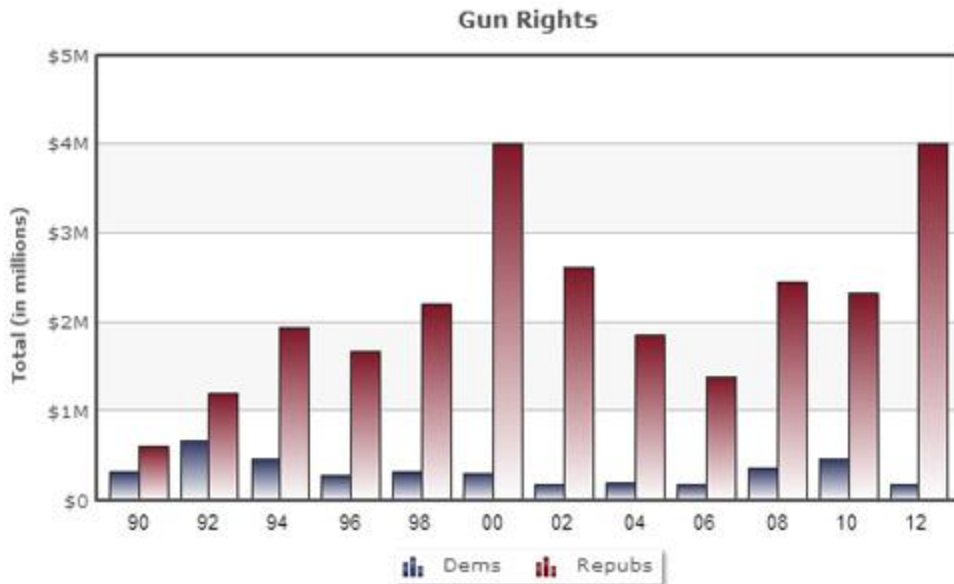
Top Contributors from gun rights groups.

Though hardly a surprise, Republican candidates received much more cash assistance from the NRA in 2012 than did Democrats. In all, the gun rights organization donated to promote GOP politicians 87 percent of the time, MapLight said.

“Campaign contributions given to 113th Congress from pro-gun interests far outweigh contributions from anti-gun interests,” Pamela Behrsin, Vice President Communications of MapLight, told the Daily News.

Rather than direct donations to politicians, the NRA prefers using its PAC, which enables it to tailor its own advertising message. During the 2012 election, that messaging routinely bashed Democrats. All told, the NRA's PAC doled out \$18 million against the party, OpenSecrets, another group that tracks campaign donations, [reported](#).

Party Split, 1990-2012



Center for Responsive Politics

A graph showing the party split from gun rights groups.

For instance, the NRA spent \$920,732 to try and defeat Ohio's Sherrod Brown, \$666,331 to sink Florida's Bill Nelson, \$638,235 against Virginia's Tim Kaine, and \$350,966 against Missouri's Claire McCaskill. All four Democrats were re-elected to the Senate.

Not all of the candidates supported by the NRA lost last year, however. The group spent \$118,179 helping to re-elect Utah Orin Hatch, and shelled out \$344,752 to help Arizona's Jeff Flake land a seat in the Senate, data from OpenSecrets showed.

Just a fraction of its overall political spending, the NRA also gave directly to members of Congress. Over the past six years Arizona Sen. John McCain topped the list of recipients of donations from what Open Secrets classifies as "pro-guns" groups, of which the the NRA gave the lion's share. Including his 2008 run for president, McCain has accepted \$481,765 from those groups since 2006.

"The key point to address here is that our political system is corrupted by money and until we address this root problem the other problems that ail our society will be that much more difficult to fix," Behrsin said.

Though the NRA's political donations were once more evenly distributed between parties, all of the top 10 recipients of its direct donations in both the House and the Senate over the past year were Republicans, MapLight said.



Matt York

Sen. John McCain, R-Ariz., takes the stage during the National Rifle Association's 138th Annual Meetings & Exhibits Friday, May 15, 2009 in Phoenix.

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November 11, 2012

Nonprofits that Work on Democracy Issues Seek New Allies

By Caroline Preston

In anticipation of what he calls a “tidal wave of assaults on the vote in 2013,” Benjamin Jealous, head of the NAACP, began to hatch a shared advocacy strategy this summer with leaders from the Communications Workers of America, Greenpeace, and the Sierra Club.

Their goal: to combat laws that require new forms of voter identification and restrict early voting, as well as other proposals and court decisions that they say disproportionately affect minorities and poor people.

“This is about self-interest on a very basic level,” Mr. Jealous says of the new coalition. “Our enemies—folks who are trying to suppress the vote—are the same people who are attacking the environment.”

Mr. Jealous mentions the financial backing of such efforts by Charles and David Koch, the businessmen and conservative donors, and says that black and Latino voters are among the “most pro-environmental voting blocs in the country.”

More nonprofits need to forge coalitions, both to engage more Americans in the democratic process and for the organizations to make progress in meeting their missions, say officials at foundations and charities.

“I have no doubt that if we had the resources, it would be easy to identify 30, 40, 50 organizations in a variety of sectors that in the past haven’t been thought to be involved in money and politics but would find it a key component of their work going forward,” says Marc Caplan, senior program officer of the Piper Fund, which will give about \$2.5-million this year to groups working on campaign-finance and related issues.

Says Mr. Caplan, “Any constituency that is seeing their agenda impaired or blocked by the overwhelming amount of corporate special-interest money in our system—not just campaign contributions but lobbying and public relations—should have a deep interest in this.”

Getting the Message Out

The Piper Fund is working with the group Rethink Media to create a new communications “hub” that could help nonprofits of all stripes incorporate messages about big money in politics into their communications. The grant maker is also working with networks of economic-justice and church groups and is exploring an opportunity to engage women voters who care about environmental issues.

The Arkay Foundation, a family foundation in Berkeley, Calif., decided this year to find a way to unite its grant-making programs for democracy and environmental issues to focus on money in politics, says Benita Kline, its manager.

The foundation sought proposals from organizations with plans for educating people about the connection between spending by special interests (and money spent on lobbying politicians) with efforts to roll back environmental regulations.

The Carnegie Corporation has been forging connections between grantees that help immigrants and those that work on voting rights.

This year, the foundation donated to a charity that operates a Spanish-language voter hotline; a group that provides nonpartisan voter information to youths and Latinos through smartphone applications; and the Center for Community Change, which promotes grass-roots advocacy among minorities and needy people.

“I wish more foundations would figure out how to make sure all the constituents they are trying to engage on the issues they work on were also encouraged to understand their role in democracy,” says Geri Mannion, who directs the foundation’s U.S. democracy grants program.

Grant makers ought to go further, sharing data and ideas and perhaps even developing common strategies, says Carolyn Lukensmeyer, executive director of the National Institute for Civic Discourse.

“Most national foundations have tended to work on a specific issue, whether it’s in the democracy area, the hunger area, whatever area it might be,” she says. “The current state of our political dysfunction makes this a time that calls for a significant coordination of investments.”



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Foundations

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November 11, 2012

Foundations Are Searching for Ways to Fix an Ailing Political Process

By Caroline Preston

As Robert Gallucci settled into his job as president of the John D. and Catherine T. MacArthur Foundation, he quickly became dismayed by how much his old home of Washington, where he'd spent a long career as a foreign-policy expert, followed him to Chicago.

Virtually every problem the MacArthur foundation tried to tackle would find itself snarled by inaction in the nation's capital, says Mr. Gallucci, who joined the philanthropy in 2009.

Take America's fiscal situation. MacArthur paid for a big study by the National Academy of Sciences and the National Academy of Public Administration that raised alarms about the mounting national debt and proposed a variety of solutions. But deficit talks have stalled in Washington.

So Mr. Gallucci became one of a handful of foundation leaders who are investigating how to use philanthropy to help, as he calls it, "strengthen democracy."

"I think we are in trouble as a country, and I don't think that's hyperbolic," he says.

But, he adds, "I want you to know I am not depressed. There are ways of improving the situation."

Spurred by concerns about big money in politics, infringements on voting rights, a shrill and divisive political climate, and the failure of a polarized Congress to pass legislation on a range of issues, philanthropies including the William and Flora Hewlett Foundation and the Omidyar Network are also exploring what kind of a difference they could make in the political process.

They join other foundations that have been working on such issues for years, including the Joyce Foundation, Open Society Foundations, and the Rockefeller Brothers Fund.

Renewed Interest

"Funders are beginning to recognize that you can't really advance a wide range of goals or get things done right now in Washington

because of the system of money and politics,” says John Kowal, vice president for programs at the Brennan Center for Justice, a think tank and public-interest legal group that received a \$500,000 grant from MacArthur this year. “I’m excited that funders are beginning to come back into this field.”

That said, the number of foundations trying to strengthen democratic institutions and engage more people in politics remains small, and grant awards tend to be modest. Solutions can seem elusive, requiring long-term commitments with little hope of immediate payoff.

Efforts to staunch the flow of money in politics have appeared hopeless to many in the wake of the 2010 Supreme Court decision that overturned limits on corporate and other outside political spending, known as *Citizens United*. (The Center for Responsive Politics estimated that spending on the presidential and Congressional elections this year reached \$6-billion.)

A few donors that backed groups working on campaign-finance issues in the last decade, like the Carnegie Corporation and Pew Charitable Trusts, have stopped. The tone of the just-completed presidential election has hardly augured a new era of bipartisanship.

Given these challenges, some nonprofit leaders and grant makers see a need to forge new coalitions and engage groups focused on the environment, immigration, labor, and other issues to mobilize voters and call attention to the influence of big spending in politics. They also say that foundations need to collaborate more.

Partisanship Concerns

Meanwhile, some philanthropy observers criticize foundation involvement in voting and campaign-finance issues altogether, saying the work is overly political and could cause them scrutiny from the news media.

“Just because the causes you care about can be shaped most immediately by political engagement doesn’t mean you take your foundation, your 501(c)(3) status, and apply it to politics,” says William Schambra, a *Chronicle* columnist and director of the Hudson Institute’s Bradley Center for Philanthropy and Civic Renewal.

Many foundation leaders disagree, saying their grants are not partisan, and they advance their missions of ensuring that less-fortunate Americans have a brighter future.

The MacArthur foundation has contributed roughly \$7-million since April to nonprofits that are trying to reduce barriers to voting,

educate lawmakers about public financing for elections, and related efforts.

The grants have included \$300,000 for the Advancement Project's Voter Protection Program, to ensure that minorities are treated fairly in elections, and \$1.8-million to the Aspen Institute's Congressional Program, which promotes discussions by politicians from both parties on a variety of issues.

While that work is important, Mr. Gallucci says he's not persuaded that the foundation's grants so far add up to a "winning strategy to strengthen our republic." So he's been holding off-the-record dinners with journalists, scholars, and policy experts—he declines to say who—in order to shape a more ambitious approach.

One idea that's bubbled up: free television airtime for leading political candidates, so money does not play as big a role in determining which candidates' voices are heard.

Rise of Ideologies

Officials of the Hewlett and Omidyar philanthropies declined on-the-record interviews for this article, saying they are still planning their strategies.

Hewlett's new president, Larry Kramer, has spoken about his concern that ideologies, not facts, are shaping public discourse and policy making.

In 2011, Omidyar hired Joe Goldman, a veteran of nonprofit civic-engagement groups, to lead its new Democracy Fund. The fund's initial grants include a two-year, \$800,000 commitment to the National Institute for Civic Discourse, a group formed in the wake of the 2011 shooting of Rep. Gabrielle Giffords, a Democrat from Arizona.

The organization will be working with members of Congress, the public, and the news media to study and try to overcome "hyperpartisanship" in politics and in the public discourse, says its executive director, Carol Lukensmeyer.

Since 2007, Omidyar Network has also supported the Sunlight Foundation through a grant program focused on government transparency. The Sunlight Foundation uses technology tools to reveal spending by corporations and other special-interest groups and how that spending influences policy.

Legal Strategies

Some foundations are also trying to directly stem the tide of campaign spending.

After curtailing its grants for campaign-finance issues in the middle of the last decade, the Open Society Foundations resumed such giving following *Citizens United*. The philanthropy is supporting the Corporate Reform Coalition, a network of groups that are trying to tighten state disclosure requirements for corporate campaign spending.

It is also investigating how to support a legal strategy to overturn *Citizens United*, says Thomas Hilbink, a senior program officer at Open Society.

That effort might be modeled on the legal movement that eventually led to *Brown vs. Board of Education*, the 1954 Supreme Court decision that abolished segregation in schools.

“There are few issues that are more fundamental to an open society than being sure the electoral and governing systems are open to all sectors of society,” says Mr. Hilbink.

In addition, the foundation is supporting the Piper Fund, a grant maker that raises donations, in its efforts to educate lawmakers and the public about alternatives to the direct election of judges.

Out-of-state donors poured money into efforts to unseat state Supreme Court judges in Iowa and Florida who voted to uphold same-sex marriage and President Obama’s health-care law. Advocates say that changing the way justices are chosen would reduce the role of big money in judicial decisions.

Meanwhile, some foundations are pressing forward on efforts to increase voter turnout. They say this work is particularly urgent now because of tightened voter identification laws in more than 10 states, and an expected decision by the Supreme Court to hear a case challenging a provision of the 1965 Voting Rights Act.

The Carnegie Corporation gives about \$5-million per year to ensure that more Americans have access to the ballot. This year, for example, it gave \$100,000 to the Nonprofit Voter Engagement Network for efforts to ensure that more social-service groups sign up people to vote when they register for disability assistance, food stamps, and other aid.

The Ford Foundation has supported voter-turnout projects since the 1950s and this year committed roughly \$20-million, says Maya Harris, its vice president of democracy, rights, and justice.

The fund is increasingly supporting new technology that can help engage voters. For example, Ford gave \$300,000 to a group called Fight for the Future for a new application that would let people use Facebook to encourage their friends to vote.

“Our view is that democracy is stronger when everyone participates in the public-policy decisions that impact their lives and when all voices are heard, including the most vulnerable and marginalized,” says Ms. Harris.

Measurement Challenge

A heightened focus by foundations on measurable results poses challenges for democracy work, say some experts.

“It’s harder to apply very tight metrics to improving our democracy than to how many meals have been served in a homeless shelter,” says Miles Rapoport, president of Demos, a think tank.

Case in point: The Joyce Foundation, which gives about \$3-million a year to reduce the influence of money in politics, shifted its focus three years ago from the federal level to a handful of states.

The decision, says Ellen Alberding, Joyce’s president, was driven both by skepticism about action at the federal level and a belief that building deep relationships with state and local organizations could help them seize opportunities for change.

Such an opportunity presented itself in Illinois, she says, in the wake of the 2008 corruption scandal of former Gov. Rod Blagojevich. Longtime grantees, like the Illinois Campaign for Political Reform, successfully pushed for limitations on campaign contributions.

But that work took years.

“If a foundation has to report on a success in two years to its board, this might be an issue they’d want to reconsider,” says Ms. Alberding.

Karen Hobert Flynn, vice president for strategy and programs at Common Cause, which tries to strengthen the voices of ordinary citizens in politics, echoes that sentiment.

When she was head of the Connecticut chapter of Common Cause, her group and others spent 10 years pushing for public financing to limit the role of big money in state elections. Legislation was passed in 2005, and advocates credit it with leading to a more cooperative atmosphere in government that has resulted in the passage of a paid-sick-leave mandate, in-state tuition for illegal immigrants, a job-creation bill, and other laws.

Says Ms. Hobert Flynn: “You can’t get a small grant and transform how government operates.”

Send an e-mail to [Caroline Preston](#).

EDITORIAL

Mr. Cuomo's Next Big Task

December 1, 2012

Here's one way Gov. Andrew Cuomo can match the acclaim he achieved by [getting same-sex marriage approved](#) in New York State: persuade the State Legislature to make New York's system of electing legislators the fairest and most transparent in the country.

Such a system should include a public financing mechanism modeled on New York City's successful efforts to involve small donors with matching contributions. It would set sensible limits on individual and corporate contributions. It would close loopholes. It would be transparent and strictly enforced. By setting a national standard for public financing, New York State could go from laggard to leader.

The way campaign funds are raised in this state now is scandalous. The restrictions are weak and the enforcement virtually nonexistent. A special interest donor can give any amount — millions of dollars even — to a political party by labeling it for “housekeeping” use. State legislators, especially the leaders of committees, too often get their biggest checks from those who do business with their committees. And they can use their campaign treasuries for almost anything, including country club memberships and personal legal fees — even veterinarian bills for the office cat.

In favoring big contributors, the current system pushes small donors out of the political process. The simplest way to change the system is to emulate New York City. For almost a quarter of a century, the city has succeeded in matching small donations with public funds, now providing \$6 for every \$1. The matches stop at \$175. The city also exercises rigorous oversight and imposes strict rules, including bans on corporate donations, limits on donations from people with business before the city and debate requirements for citywide candidates. Candidates who abuse the system are subject to fines and other penalties. By encouraging small donations and more political participation from ordinary citizens, the city makes it possible for more candidates to run for office. [A recent study by the Campaign Finance Institute](#) found that about 7 percent of contributors to state campaigns gave under \$250, compared with 38 percent of city contributors to participating candidates. The city's [Campaign Finance Board also determined](#) that a majority of those contributing to candidates in the city's 2009 elections were first-time contributors, more than 80 percent of whom gave less than \$175.

Powerful business coalitions are signing on to the idea of replicating the city's system on a statewide basis, using focus groups, preparing advertising campaigns and planning individual pitches to lawmakers. One of these is [Protect Our Democracy](#), led by Sean Eldridge, a venture capitalist and political activist. Traditional public interest organizations like the Brennan Center

for Justice and Common Cause are also gearing up for a full-fledged campaign on this issue beginning next year.

Mr. Cuomo and his administration are working right now on his State of the State address to present his goals for 2013. [This year's big proposal](#) turned out to be something of a bust: a hastily concocted plan to create a casino in Queens, an idea that he dropped several months later. He also proposed a commendable campaign-finance reform plan that went nowhere.

This time, he should use his considerable political influence to make it happen, changing the money culture in Albany and providing a model for the rest of the country.



December 12, 2012

Cuomo Puts Campaign Finance on 2013 Agenda

By NICHOLAS CONFESSORE and THOMAS KAPLAN

Gov. Andrew M. Cuomo said on Tuesday that he would seek legislation to significantly expand New York's regulation of political spending by corporations, individuals and tax-exempt groups during his third year in office.

Mr. Cuomo also said he would push to make the public financing of campaigns a part of any bill, but refused to say whether the absence of such a provision -- long sought by liberal groups -- would be a deal-breaker in any negotiations with Republicans in the State Senate, who have opposed public financing in the past.

"I think it's very, very important to have a public finance piece in there," Mr. Cuomo said.

Mr. Cuomo's comments, made in an interview on Tuesday afternoon with WXXI radio, came hours after Eric T. Schneiderman, the attorney general and an occasional rival of the governor's, proposed forcing politically active tax-exempt groups to disclose the donors to their political efforts in New York. As attorney general, Mr. Schneiderman is the state's top regulator of charitable organizations and can approve his new rules without legislative consent.

"The attorney general's jurisdiction is helpful; I think we need to go further," said Mr. Cuomo, who held that post before becoming governor two years ago. "The attorney general only has jurisdiction over not-for-profits registered in the state."

Both Mr. Cuomo and Mr. Schneiderman have made tighter campaign and ethics regulations a priority during their first terms. Mr. Cuomo sought last year to strengthen ethics oversight of the Legislature, with [mixed success](#), while Mr. Schneiderman has focused on tax-exempt nonprofit groups, in New York and around the country, that have injected hundreds of millions of dollars into federal and state elections.

Advocates for such policies have long faulted New York for having confusing, poorly enforced and porous campaign finance rules, including some of the highest limits in the country for contributions to candidates. (Those high limits have generally been a boon to incumbents and especially governors in New York, [including Mr. Cuomo](#).) And little has been done to update state election law in the wake of the Supreme Court's *Citizens United* ruling, which in 2010 made it legal for corporations and unions to make unlimited expenditures in political campaigns so long as they do so independently of candidates.

The state has no law requiring individuals and corporations to disclose independent spending that falls short of directly advocating the election or defeat of candidates, for example, a problem Mr. Cuomo said he would seek to address.

"If an individual is doing the election campaign, it's not covered," Mr. Cuomo said. "If a corporation that's not a not-for-profit is doing the activity, it's not covered. You have all these national not-for-profits that aren't registered in New York but we were just watching their advertising during the presidential campaign; I want them covered also."

Few other details of Mr. Cuomo's proposal were made available on Tuesday night. A potential deal with the Legislature could do more than make existing regulations tighter and more clear. Mr. Cuomo could also seek to issue new regulations that would affect the state's tax treatment of donations to politically active nonprofits, for which New York donors have long been a major source of cash, or require tax-exempt groups to more frequently disclose their political activity, which Mr. Schneiderman cannot do.



January 24, 2013

Critics of State's Campaign Finance Laws Seek Philanthropists' Help

By THOMAS KAPLAN

ALBANY – Advocates of overhauling New York's campaign fund-raising laws met with 40 philanthropists in Manhattan on Thursday in an effort to enlist additional supporters as they ramp up their lobbying efforts.

The state attorney general, Eric T. Schneiderman, a Democrat who has moved to force [the disclosure of more political donors](#), was among those who spoke to the group, and the Senate Democratic leader, Andrea Stewart-Cousins of Westchester County, addressed the gathering via video from Albany. The audience included representatives from the Kohlberg Foundation, the Mertz Gilmore Foundation, the Rockefeller Brothers Fund and the Open Society Foundations, which were founded by the billionaire financier George Soros.

The meeting was organized by the [Piper Fund](#), which awards grants to support state and national groups working on changing how campaigns are financed. The gathering came as supporters of setting up a system of public financing for state elections prepare to push for legislation to be enacted in this year's session, which began last week and runs through June.

"New York would be by far the biggest victory to date," said Marc Caplan, the senior program officer for the Piper Fund. "It's the No. 1 priority for national organizations interested in fighting money in politics, and to the growing number of philanthropists who are interested in issue."

A number of wealthy individuals have already started organizations to support the effort. They include one of Mr. Soros's sons, [Jonathan Soros](#), who attended Thursday's meeting, and [Sean Eldridge](#), an investor and political activist. The push in Albany is also being undertaken [by a coalition](#) that includes labor unions, progressive organizations, government reform groups and the Working Families Party.

The biggest opposition in Albany to using public money for political campaigns comes from Republican state senators. But Republicans lost seats in the last election and now have only partial control of the chamber; advocates of public financing hope that an independent faction of Democrats who share control of the Senate with the Republicans will force consideration of the issue in this year's session.

Gov. Andrew M. Cuomo, a Democrat, also gave attention to the issue in [his State of the State address on Jan. 9](#). He called for the state to adopt a system similar to the one used in New York City, where candidates can receive [public matching funds](#) in exchange for agreeing to spending limits. “It works well in New York City,” he said. “It will work well in New York State.”

Supporters of public financing of political campaigns are also celebrating the swearing-in of Senator Cecilia F. Tkaczyk, a Democrat who last week [emerged as the winner](#) of the last undecided state legislative race. Her campaign focused in large part on her support of public financing, which the Republican candidate opposed.

Jonathan Soros and Mr. Eldridge, [who waged an independent-expenditure campaign to support Ms. Tkaczyk](#), interpreted her victory as evidence of the momentum for changing how campaigns are financed.

New Yorkers Want a More Accountable Government

By Nick Nyhart, CEO, Public Campaign
01/17/12

Almost all of the campaign finance stories many of us have heard about lately have to do with super-PACs, billionaire casino moguls, and a debate about whether corporations are people. New York Gov. Andrew Cuomo (D-N.Y.) is taking leadership this year, however, to show that we can do better and start to put everyday people back in charge of our elections.

As we watch the federal campaign finance system move further and further into the hands of an elite few wealthy Americans, New York will hopefully move in a different direction -- one that could serve as an example to the rest of the country. And it's something that New Yorkers definitely want, [according to a new poll](#) from the Siena Research Institute.

In his State of the State address, Gov. Cuomo urged the state legislature to pass a publicly financed election system similar to New York City's successful program. In the Siena poll, 74% of New Yorkers support that plan. In fact, the campaign finance measures Cuomo mentioned in his speech rank above all but one issue in the level of support.

As Karen Scharff with Citizen Action of New York [said](#), "There's no question that New Yorkers are sick and tired of our democracy being bought by the 1%, but now we know that most New Yorkers agree with Governor Cuomo on how to limit that influence... Today's Siena poll proves that regardless of political ideology, people don't want their voices weakened by CEO campaign contributors."

It's been estimated that the 2012 federal elections [will cost more than \\$11 billion](#) -- nearly double the 2008 election. That money is going to come from millionaires and billionaires on both sides of the aisle and you can bet they'll expect a return on that investment. New Yorkers can show the rest of the country that there's a better way.

Gov. Cuomo [said in his prepared remarks](#) for the State of the State speech that, "It's time we make sure that all New Yorkers have an equal voice in our political process. Therefore, it is imperative that we implement real campaign finance reform and provide citizens with a voice in the very foundation of democracy -- the ballot box."

He's right. Let's get it done, New York.

Follow Nick Nyhart on Twitter: www.twitter.com/publiccampaign



The Election Reform Moment?

By John Nichols

January 30, 2013 | This article appeared in the February 18, 2013 edition of The Nation.

There is little in the way of good news on the campaign finance front. In 2012, campaigns for every office—from the presidency to the San Jose City Council—cost exponentially more than ever before. It is certainly true that right-wing billionaires like Sheldon Adelson blew fortunes on losing political bets, as did the US Chamber of Commerce and other groups that had hoped to buy elections with unlimited expenditures. But as Public Campaign’s Nick Nyhart notes, “billionaires lost, but big money won.” Republicans backed by Adelson and the Koch brothers got beat by Democratic campaigns and progressive interest groups that came close to—and sometimes matched—Republican and conservative spending. Even those who complain about the political arms race reject unilateral disarmament. The pay-to-play political process remains cloaked in “dark money” secrecy, as special interests develop new schemes to use and abuse it, and every indication is that the courts are determined to make things worse.

The situation is overwhelming—and that’s the good news. The days of imagining we can merely tinker around the edges of America’s historically dysfunctional system for funding political campaigns with private dollars are over. There is no small reform that will begin to adequately control what former Senator Russ Feingold identifies as “legalized bribery.” That understanding is what has made even the winners under the current system, led by President Obama, recognize that big changes are needed.

Obama has responded with uncharacteristic aggressiveness to the Supreme Court’s 2010 obliteration of limits on corporate intervention in our elections. After calling out the Court in his State of the Union address in 2010, he acknowledged in 2012 that “we need to seriously consider mobilizing a constitutional amendment process to overturn *Citizens United* (assuming the Supreme Court doesn’t revisit it).”

The president’s evolution toward an embrace of a constitutional remedy once considered radical mirrors a dawning recognition that the work of campaign finance reformers in America is no longer just about the simple “good government” project of old. Now it’s about building a movement that goes to the heart of the matter: the corporate control of elections and governance. Three years ago, after the *Citizens United* ruling came down, veteran reformer John Bonifaz co-founded the Free Speech for People movement, which seeks a twenty-eighth amendment to the Constitution to address it. “At that time, there were plenty of skeptics who thought an amendment movement would not have any staying power, could not be built, and that people around the country would not get engaged with pushing for what is an ambitious goal,” Bonifaz admits. “But I think what we’ve found over the past three years is, those skeptics have been quieted.”

Campaign-finance reform movements have been around for more than a century, in varying forms. They have always had popular support, but never before have they seen the level of specific and sustained engagement now on display. Eleven states have moved legislatively or at the polls to call for a constitutional amendment, with Colorado (an Obama state) and Montana (a Romney state) both voting on November 6, by roughly 75 to 25 percent margins, to urge their congressional delegations to propose and support an amendment that allows Congress and the states to limit campaign contributions and spending.

On the same day, more than 150 communities across the country weighed voter-initiated ballot questions on the issue. Every single referendum won—and won big. In San Francisco, 80 percent of the voters backed a Common Cause–endorsed proposal to overturn *Citizens United*. But so did 65 percent of the voters in conservative Pueblo, Colorado; despite editorial opposition to the resolution by the local newspaper, voters told their congressional representatives not just to back an amendment that declares, “Money is not speech and, therefore, limiting political contributions and spending is not equivalent to limiting political speech,” but also to recognize that “the inherent rights of mankind recognized under the United States Constitution belong to natural human beings only, and not to legally created entities, such as corporations.”

“In every single community where Americans have had the opportunity to call for a constitutional amendment to outlaw corporate personhood, they have seized it and voted yes overwhelmingly,” says Move to Amend activist Kaitlin Sopoci-Belknap. “Americans are fed up with large corporations wielding undue influence over our elections and our legal system.”

This grassroots movement is real, and it crosses partisan, ideological and regional lines. “This is happening because the people want it to happen,” says Marge Baker of People for the American Way, one of a number of reform groups that organized dozens of “Money Out, Voters In” actions nationwide, held on or around the Martin Luther King Jr. holiday to launch the 2013 round of local and state initiatives to encourage congress to take up at least one of the amendment proposals advanced by Senator Bernie Sanders, Congresswoman Donna Edwards, Congressman Jim McGovern and others. The movement has not yet reached critical mass, but if the number of states supporting an amendment of some sort doubles in 2013 (as the organizers with Public Citizen’s ambitious Democracy Is for People campaign suggest could happen), the prospects for meaningful reforms that do not require a constitutional amendment increase as well. And many different proposals have been advanced, by groups and by elected leaders like Vermont Senator Bernie Sanders and Maryland Congresswoman Donna Edwards. As President Obama himself pointed out, “Even if the amendment process falls short, it can shine a spotlight on the Super PAC phenomenon and help apply pressure for change.”

Everyone knows that a constitutional amendment faces daunting barriers: in a time of deep partisan and ideological divisions, it’s hard to imagine getting the House and Senate to approve anything by a two-thirds super-majority, let alone getting three-quarters of the states to embrace such a fundamental change. But if we have learned anything from the conservative movement for a balanced-budget amendment or a right-to-life amendment, or from progressive campaigning on behalf of an equal-rights amendment, it is that these kinds of large-scale organizing efforts also give impetus to presidents, governors, legislators and regulators to act on more modest proposals. In turn, those actions that yield immediate results are essential to

building momentum to propel the longer-term push for an amendment. “If we are to build a movement big enough to win a constitutional amendment, we are going to need near-term democracy victories that make a difference in people’s lives to sustain and expand that movement,” Public Campaign’s Nyhart says.

* * *

Some of those victories could come quickly—if President Obama is willing to spend some political capital. Public Citizen has campaigned for over a year to get him to sign an executive order requiring government contractors to reveal their political spending; the administration reportedly drafted such an order, then “all but abandoned” it during a 2012 campaign season that saw Obama and his supporters raise and spend \$1.1 billion, compared with \$1.2 billion by Mitt Romney and his backers. As the president begins his second term, reform advocates are calling on him to press regulatory agencies like the Federal Election Commission and the Federal Communications Commission to crack down on corporate campaign abuses. Noting a new Free Press study, “Left in the Dark: Local Media Coverage in the Age of Big-Money Politics,” which reveals how broadcast and cable outlets make a fortune from campaign commercials but rarely inform voters about who pays for them, former FCC Commissioner Michael Copps, who now works with Free Press and Common Cause to advance reforms, is urging the agency to aggressively enforce Section 317 of the Telecommunications Act. That section requires the on-air identification of the sponsors of political ads in a manner that will “fully and fairly disclose the true identity of the person or persons, or corporation, committee, association...or other entity.”

In the new Congress, the House Democratic Caucus’s DARE (Disclose, Amend, Reform and Empower) task force, under the leadership of Representative John Larson of Connecticut, is renewing the push for the sweeping reforms outlined in the Fair Elections Now Act. The bill has attracted a measure of bipartisan support, though it faces a hard time in the Republican-dominated House. But building support for this plan to develop public financing for campaigns shows what could be done if Congress chose to regulate the “money power” that Teddy Roosevelt, Robert M. La Follette and Progressive reformers took on a century ago. Another prime congressional vehicle will be the Disclose Act, which reads like the old bipartisan proposals for basic transparency from donors but is now officially opposed by the Republican Party in its platform. The League of Women Voters and other good-government groups will engage in the frustrating work of trying to get responsible Republicans in Congress to back even this minor reform. Ultimately, however, it is far more likely that reform breakthroughs on the disclosure front—ones that even the present Supreme Court might accept—will come from the states.

At the state level, Public Campaign, Common Cause, and a network of local and regional groups have secured some key allies for the fights of 2013. New groups such as the CREDO Super PAC and Friends of Democracy are going into state election fights with an eye toward exposing and challenging big-money influence on elections, as well as the candidates who bow to that influence. And the new Democracy Initiative, which has brought together unions like the Communications Workers of America, environmental groups like the Sierra Club and Greenpeace, and civil rights groups like the NAACP, is focusing financial resources and people

power on reform fights in targeted states like North Carolina, where it is challenging the grip on elections and policy-making that right-wing millionaire Art Pope has purchased with his lavish spending in recent years. The genius of the Democracy Initiative is that it will systematically make the linkages between big-money corruption in politics and everything from fracking to the privatization of prisons to the assault on labor rights. Those pieces could also come together in New York State, where a movement is building around a public financing plan.

States like Vermont, where progressives control the executive and legislative branches, and Montana, which elected a reform governor, Democrat Steve Bullock, in November, will see serious work on these issues. Unfortunately, Bullock, a former attorney general, has already been shot down by the Supreme Court in his effort to defend state-based regulation of corporate campaign money.

That brings the discussion back to a Supreme Court majority that has moved to expand the influence of corporations and major donors on our politics at every opportunity. Of course, Obama may have a chance to nominate one or more new justices, and money-in-politics concerns add a measure of urgency to what would be, under any circumstances, essential confirmation fights. But waiting for the right mix on the Court is not a strategy—it's a gamble, and one that could cost democracy dearly. Most Americans don't want to take that risk. Three-quarters of them tell pollsters they favor reforms that take corporate money and big-donor influence out of our politics. When there is this much support for fundamental reform, and when the reform impulse is blocked by so much obstruction in Washington, it is not just right but necessary to recognize, as John Bonifaz suggests, that "the people are ready to take their country back. What's necessary now is to build a movement that is big enough and bold enough to renew their faith that money can be beaten."

Supreme Court Takes Campaign Finance Case, Will Rule On Contribution Limits

By Paul Blumenthal

02/19/2013

WASHINGTON -- The Supreme Court announced Tuesday that it will hear a case challenging the per-biennial cycle limit on campaign contributions from individuals.

The case, *McCutcheon v. Federal Election Commission*, argues that the limit on what individuals are allowed to give candidates (\$46,200 per two-year cycle) and parties and PACs (\$70,800 per two-year cycle) is an unconstitutional violation of the individual donor's free speech rights.

The U.S. Court of Appeals already ruled in favor of keeping the biennial limits, which have been in place since 1971 and were upheld in the 1976 *Buckley v. Valeo* case. By accepting the case, the Supreme Court is stepping into the thick of another controversial campaign finance case just three years after ruling in *Citizens United v. FEC* that corporations and unions can spend freely on elections.

If the court rules against the two-year limits, it would mark the first time a court has overturned a part of the landmark *Buckley* ruling that deals with campaign contribution limits. This is not terribly surprising as the court has been hostile to campaign finance laws ever since Justice Sandra Day O'Connor, a supporter of campaign finance regulation, was [replaced by Justice Samuel Alito](#), a member of the court's conservative bloc who is opposed to campaign regulation.

Campaign finance reformers are already calling on the court to maintain the *Buckley* precedent and rule against the challenge in *McCutcheon*, for fear that any overturning of *Buckley* will eventually lead to future erosion of contribution limits and other campaign finance precedents meant to protect against corruption or the appearance of corruption.

"If the Supreme Court reverses its past ruling in *Buckley*, the Court would do extraordinary damage to the nation's ability to prevent the corruption of federal officeholders and government decisions," Democracy 21 president Fred Wertheimer said in a statement. "It would also represent the first time in history that the Court declared a federal contribution limit unconstitutional."

"In agreeing to hear the *McCutcheon* case, the Supreme Court has an opportunity to defend common sense limits on how much influence wealthy special interests can buy in Washington," Nick Nyhart, president and CEO of Public Campaign, said in a statement. "In recent decisions,

the Court has too often sided with big donors and against our democracy. It's time for the Court to stand up for the voices of everyday people and uphold the limits."

A ruling to overturn the biennial limits would not directly affect the amount an individual donor could give to a single candidate, but, thanks to the proliferation of joint fundraising committees, known as victory funds or committees, a candidate could potentially solicit a single contribution from one donor of up to -- if not more than -- \$3,627,600.

This could work if, say, House Speaker John Boehner (R-Ohio) or President Barack Obama expanded their respective victory fund to distribute donations to all 435 House candidates and all 33 Senate candidates (\$2,433,600 per two-year cycle), each federal party committee (\$97,200 per year) and all 50 state party committees (\$500,000 per year).

The expanded victory fund case presents to most obvious way that a ruling in favor of repealing the limits could immediately affect campaign fundraising. Still, the greater worry is how a ruling against limits could affect future cases.

University of California, Irvine law professor Rick Hasen wrote for [Election Law Blog](#) that the case has broader implications. "Striking part of the Buckley edifice could mean that more will fall," Hasen wrote, "and that the Court's general skepticism toward the constitutionality of limits already in play in the independent spending area could spread to contribution limits."



Supreme Court will hear appeal of campaign donation limits

By Tarini Parti

February 19, 2013

Three years since the landmark *Citizens United* decision that dramatically changed campaign finance laws, the Supreme Court announced Tuesday it will take up another campaign finance case challenging how much donors can give to campaigns and committees.

The court will hear *McCutcheon v. Federal Election Commission*, which deals with the constitutionality of aggregate contribution limits, in October. Shaun McCutcheon, an Alabama resident, contributed a total of \$33,088 to 16 candidates during the 2012 election cycle and thousands more to party committees. He wanted his contributions for the cycle to total \$75,000 to party committees and \$54,400 to candidates but was barred from giving at that level by federal aggregate limits.

The Republican National Committee and McCutcheon challenged the FEC's contribution limits under the First Amendment, saying the \$46,200 aggregate limit for candidates and \$70,800 limit for committees was "unsupported by any cognizable government interest ... at any level of review."

The U.S. Court of Appeals for the District of Columbia upheld the limits.

Rick Hasen, a campaign finance expert, told POLITICO that although the ability to give unlimited amounts to super PACs and nonprofits has made federal aggregate limits to campaigns and committees less important, the court taking up the case is still notable.

"The ability to get around it does undermine the case for limits," Hasen said. "But the case could have broader implications. It will be the first time since *Citizens United* that the court decides how to judge campaign finance laws."

In a blog post on the issue, Hasen also signaled that the case could open the door for abolishing all contribution limits. "It is possible in this case, for example, that the conservative five justices in [*Citizens United*] set out a general standard for reviewing contribution limits which makes them harder to sustain against constitutional challenge."

The Center for Competitive Politics pointed out in a statement that if the court rules in favor of McCutcheon, it would equalize the role of party committees, which saw their power diminish in the 2012 election, with super PACs. Arguing in favor of McCutcheon, the center's statement said that the "First Amendment requires the government to carefully tailor its regulation of political expression and association. Aggregate limits fail to do so, and are instead premised on an unlawful attempt to equalize political speech."

The RNC, a plaintiff in the case, and Chairman Reince Priebus tweeted Tuesday morning: “Pleased SCOTUS will hear our case: *McCutcheon et al. v. FEC*, that challenges aggregate biennial contribution limits on party & candidates.”

Groups that have been pushing for campaign finance reform also released statements defending contribution limits immediately following the court’s announcement.

Fred Wertheimer of Democracy 21, which will file an amicus brief in the case, said in a statement that the “court would do extraordinary damage to the nation’s ability to prevent the corruption of federal officeholders and government decisions.”

And Nick Nyhart, president and CEO of Public Campaign, said: “In recent decisions, the court has too often sided with big donors and against our democracy. It’s time for the court to stand up for the voices of everyday people and uphold the limits.”

David Axelrod: Remove Campaign Contribution Limits To End Super PACs' Game

By Paul Blumenthal

February 20, 2013



David Axelrod reflects on the 2012 election during a public forum at the Logan Center for the Arts at the University of Chicago on Nov. 26, 2012. (AP Photo/Courtesy of The University of Chicago, Robert Kozloff)

David Axelrod, the former top political adviser to President Barack Obama, called for the end of candidate contribution limits as a way to wrest control of elections from the less accountable super PACs and other groups that have proliferated since the Supreme Court's 2010 Citizens United ruling.

Campaign finance system is a mess. Limits have just created a cottage industry for lawyers who devise schemes to circumvent them. 1/3.

— David Axelrod (@davidaxelrod) [February 20, 2013](#)

Too much money in politics. But if it's inevitable, let it flow directly to candidates and demand full disclosure, with stiff penalties. 2/3

— David Axelrod (@davidaxelrod) [February 20, 2013](#)

And end the SuperPac and faux SuperPac game that too often allows donors to elude detection and candidates to deny responsibility. 3/3.

— David Axelrod (@davidaxelrod) [February 20, 2013](#)

This is not the first time that a political operative or former politician has called for unlimited contributions to candidates as a solution to the unlimited spending by independent groups not

controlled by the candidates or the parties. In response to a question about super PAC funding, former Minnesota Gov. [Tim Pawlenty told](#) ThinkProgress, "The better position is to allow full and free speech in whatever form, but have instant disclosure."

But Republicans like Pawlenty have long questioned or outright opposed campaign finance regulation. Axelrod, as Obama's lead political strategist, helped craft an image for Obama as a campaign reformer -- even if that image has evaporated during his White House tenure.

As a senator in 2007, Obama called for public financing of elections, stating, "[I]f we're serious about change, we need to have a real discussion about public financing for congressional elections. Because even if we can stop lobbyists from buying us lunch or taking us out on junkets, they'll still be able to attend our fundraisers -- and that's access the average American doesn't have."

Nick Nyhart, the CEO of Public Campaign, a watchdog group promoting public financing of elections, told HuffPost, "Axelrod's seemingly new belief that we should get rid of contribution limits altogether will make the political system he and President Obama have so long railed against even worse. The answer should be empowering small donors, a theme that has been the position of the past two presidential campaigns he has worked on."

HUFFPOST GAY VOICES

Jerry Brown, California Governor, Signs SB 1172, Bill Banning Gay Conversion Therapy For Minors

09/30/2012



California Governor Jerry Brown [on Saturday signed a historic bill](#) that will protect lesbian, gay, bisexual and transgender (LGBT) minors from "reparative" therapies administered by mental health professionals aimed at altering sexual orientation or gender identities and expressions.

Senate Bill 1172, which [the National Center for Lesbian Rights notes](#) was co-sponsored by the NCLR, Equality California, Gaylesta, Courage Campaign, Lambda Legal, and Mental Health America of Northern California, and supported by dozens of organizations, is the first law of its kind in the United States and will become effective on January 1, 2013.

"Conversion" or "reparative" therapies include a wide variety of techniques from counseling to shock therapy to -- in extreme cases -- exorcism, used in an attempt to "cure" individuals of their homosexual and transgender orientations and identities. However, in recent years, even those who once championed the idea that someone can convert to heterosexuality have admitted that viewpoint is flawed.

In April, Dr. Robert Spitzer, author of a landmark 2001 study that claimed gay people could be alleviated of their homosexuality, admitted that, "In retrospect, I [have to admit I think the critiques \[of my study\] are largely correct](#)... The findings can be considered evidence for what those who have undergone ex-gay therapy say about it, but nothing more."

[As SFGate.com reported, Brown said](#), "This bill bans non-scientific 'therapies' that have driven young people to depression and suicide. These practices have no basis in science or medicine and they will now be relegated to the dustbin of quackery."

In a press release, the Human Rights Campaign responded to Brown's signing of the bill:

"We're grateful to Governor Brown for standing with California's children. LGBT youth will now be protected from a practice that has not only been debunked as junk science, but has been proven to have drastically negative effects on their well-being. We commend Governor Brown for putting children first, and call on all states to take California's lead on this issue. We will continue our fight against this kind of child abuse, which has been deemed harmful to children by all major mental health, medical, and child welfare organizations."

According to HRC, over 50,000 people had [signed a petition urging the governor to sign the bill in the past week](#).



New California law ensures equal access to fertility services for same-sex couples

SDGLN Staff

October 1, 2012

SACRAMENTO, Calif. -- California Gov. Jerry Brown over the weekend signed a bill to ensure that women in same-sex relationships and single women can access fertility services on the same terms as women in different-sex relationships.

Assembly Bill 2356, authored by Assemblymember Nancy Skinner and co-sponsored by Equality California and the National Center for Lesbian Rights, allows women using known donors to access certain fertility procedures that are less expensive and more effective.

“Women’s issues once again are at the forefront of national debate. AB 2356 ensures that all women have equal access to fertility services,” Skinner said. “I am grateful Governor Brown signed legislation that will eliminate barriers LGBT and single women confront when seeking to conceive.”

“The decisions regarding building a family are a core freedom in California. Same-sex couples have faced many barriers in forming families, including unequal access to fertility healthcare,” said Clarissa Filgioun, Equality California board president. “This unequal treatment has, heartbreakingly, denied many couples the opportunity to conceive a child of their own. Signing AB 2356 works to remedy that disparity, putting the joy of having a child and building a family within the reach of all loving families. We thank Assemblymember Skinner for her leadership on this bill and Governor Brown for removing one more barrier to a state of equality.”

Said NCLR Family Protection Project director Cathy Sakimura: “This law allows doctors and providers to provide services that are currently only available to different-sex couples to people using known donors. Many intended parents who would not otherwise be able to afford any fertility services will be able to access safer and more effective procedures under this new law. We applaud the Governor and the Legislature for recognizing that same-sex couples, transgender people, and single women should have equal access to fertility services.”

Increasingly, same-sex couples and single women are asking trusted friends to be donors to help them conceive a child. With this signing, women who seek fertility services with a known donor who is not their partner are no longer subject to time-consuming and costly repeat testing that decreases the chance of successful conception. Now women who have unsuccessfully attempted to conceive at home with a known donor have access the same fertility services available to different-sex couples.

The law will go into effect on Jan. 1, 2013.

Washington same-sex marriage law arrives as public attitudes change

By Jeff Mapes, December 01, 2012



Paul Harris, left, and James Griener describe their plans to get married shortly after Washington's same-sex marriage law takes effect on Dec. 6. The two plan a vacation in February to celebrate their 40th year as a couple. "We're going to actually go on what I guess you would call a honeymoon," says Harris. Randy L. Rasmussen/The Oregonian

Paul Harris has overseen the marriage licenses for Clark County for at least 15 years, but he's never been able to get one for himself and James Griener, his partner of 39 years.

That will change on Thursday when Washington's same-sex marriage law takes effect. Harris and Griener plan to be first in line for what is expected to be a big crowd of gay and lesbian couples seeking official recognition for their relationships.

"After issuing thousands of marriage licenses, I can finally get one of my own," Harris says, with Griener beaming next to him. "It's a wonderful warm feeling... I felt like I could finally participate in that part of society."

The couple, who met in New York City just a few years after the [Stonewall riots](#), has been together through most of the history of the modern gay-rights movement.

They marvel at the change of public attitudes in less than a decade that crested last month when Washington, Maryland and Maine approved gay marriage, joining six other states that allow gays and lesbians to marry.

Along with the defeat of a measure in Minnesota that sought to constitutionally ban same-sex marriage, the decisions marked the first time that voters at the state level agreed that marriage should be extended to all couples.

In the span of just seven years -- from 2004 to 2011 -- support for gay marriage climbed by [16 percentage points among Americans](#), according to a study by Third Way, a Washington, D.C. think tank. Support is now a majority in many states and signals what could become a new surge in gay-marriage laws, including in Oregon.

Griener, a retired technical writer, says it never occurred to him that he and Harris would be able to marry legally until 2004, when Multnomah County decided that Oregon's marriage law should not exclude gay couples. The two joined hundreds of other couples for speedy wedding ceremonies at Portland's Keller Auditorium.

While the state soon invalidated those marriages, Griener became absorbed by the subject. He filled scrapbooks with clippings about the legal and political battles over gay marriage.

"People who know a gay person -- unless they really have a strong personal belief that does not allow them acceptance -- become more accepting," says Griener. "I think that's what has changed peoples' attitudes. As we have more and more come out, people realize that we're everywhere. We're a part of everybody's family, one way or another."

In more ways than one, the two personify an ability to reach out beyond the usual divides. Harris, 63, is an African-American who grew up in Brooklyn while Griener, 68, comes from a white ranching family in the isolated eastern Oregon hamlet of Adel.

From the start, Griener says, the two shared an optimistic view of life that's helped bring their families around. Just this year, the two attended Griener's 50th high school reunion in Lakeview, where the organizer made sure Harris was introduced to everyone. And the two took Harris's mother on a once-in-a-lifetime trip to Paris.

Evan Wolfson, an early gay marriage advocate who heads the group Freedom to Marry, says the growing acceptance of gays and lesbians in American society and culture has certainly had an impact on changing minds.

So, he says, did a shift in how gay advocates talked about the subject of marriage after they were hit with a big setback in California in 2008. Voters there passed Proposition 8, which invalidated a state Supreme Court ruling allowing same-sex marriage.

Third Way, the think tank, conducted a series of studies showing that many moderate voters weren't moved by arguments focused on gay rights and equality.

"There was still a group of people who wanted to be fair," says Wolfson, "but they had not overcome their discomfort or uncertainty about whether gay people should be allowed to get married."

Instead of focusing on rights, "we made an effort to emphasize why marriage is important" to gays, he adds. "And that centers on values, on commitment to one another and protecting our families. That is central to our dreams, like with most people."

Those themes played out in the successful campaign in Washington. Proponents ran ads featuring straight couples, ministers and others talking about how marriage was important in their lives and that they didn't want to deny it to same-sex couples.

"It helps people get past a lot of their fears and questions," says Jeana Frazzini, executive director of Basic Rights Oregon. The group considered, but then backed away from a measure for Oregon's 2012 ballot. The measure would have overturned the constitutional amendment passed by voters in 2004 banning same-sex marriage.

Following last month's victories, Frazzini says her group is considering a measure for 2014. Although many younger voters – who tend to be more supportive of same-sex marriage – don't participate in non-presidential years, Frazzini says she sees a chance to "seize an opportunity now that the momentum has really shifted."

Opponents will be waiting.

"We would be fighting against the redefinition of marriage," says Teresa Harke of the Oregon Family Council.

Harke says voters may be put off by the changes they see in Washington, such as the planned rewriting of the state's marriage license to remove references to "bride" and groom" in favor of "spouse."

"It really is a reflection that you are changing the definition of marriage," she adds. "How far is that going to go?"

And the National Organization for Marriage, which backed opposition campaigns in the last election, argues that the November results in Washington and the three other "very liberal states" don't say much about the national mood.

The group's president, Brian Brown, says in a statement that his group's polling shows a strong majority still believe marriage is between a man and a woman.

Regardless, several other states may see action long before the next election season in their legislative sessions. Democratic legislators in New Jersey want to round up enough votes to override Gov. Chris Christie's veto of a gay marriage bill, and legislative battles are expected in Rhode Island, Delaware and Illinois, and perhaps in Colorado and Minnesota.

California would once again allow same-sex marriages if the U.S. Supreme Court declines to hear a challenge to a 9th Circuit Court ruling striking down Proposition 8.

"It's very plausible we're going to have 20 states with gay marriage laws in five years," says Gregory B. Lewis of the Andrew Young School of Policy Studies at Georgia State University. Lewis, who closely analyzed polling on the issue, says it is not just the rising influence of young voters. He says people born in the 1950s and 1960s have shifted their attitudes.

Eventually, the courts or Congress may step in. Meanwhile, Lewis says, the country seems headed toward something resembling the red-blue divide seen in presidential elections.

These days, Paul Harris thinks less about the political battlefield and more about the Thursday morning rush for marriage licenses at the county auditor's office in downtown Vancouver.

With the enthusiasm of a high-end wedding planner, he shows how he plans to snake the line through the corridor and, if necessary, out into the parking garage. "In the middle of the night," he says, "I wake up thinking, 'Oh, here's another thing I forgot.'"

Before the doors open at 8 a.m., he and Griener will get their application in. Then he'll stand at a kiosk, dispensing tickets to marriage applicants and directing customers with such prosaic chores as the recording of deeds to other windows.

Under Washington law, couples have to wait at least three days after receiving a license before they can get married – meaning the first same-sex weddings can't be performed until Sunday.

Rev. Rob Figley, a non-denominational minister who specializes in weddings, says he is one of about 30 clergy who volunteered to perform weddings in Vancouver's Esther Short Park Sunday through Wednesday.

"If history is any guide, there will be a crush of people," says Figley, who also performed same-sex marriages in Portland in 2004.

"It's a serious event," he says, "but let's face it, it will be a party."

Harris and Griener plan to get married at their home in Camas on Wednesday, which carries the auspicious date of 12/12/12.

"We're making honest men of each other," jokes Griener.

"I couldn't have cared for him any more than I have," adds Harris. "But this piece of paper says to society that we recognize you can be in a loving, committed relationship just like everyone else."

The New York Times

The Opinion Pages

For Marriage Equality, the Work's Not Just in Court

By EVAN WOLFSON

December 10, 2012

PROPOSERS of same-sex marriage had good reason to celebrate last week; the Supreme Court announced that it could restore the freedom to marry in California and end federal discrimination against the marriages celebrated by same-sex couples in the nine states (along with the District of Columbia) that have the freedom to marry.

For those who believe, as the Rev. Dr. Martin Luther King Jr. did, that the arc of history is long, but bends toward justice, the prospect of a landmark ruling that would add the United States to the growing list of nations that grant gay people the freedom to marry — including Argentina, Canada, the Netherlands and South Africa — is a cause for much hope. But even though American public opinion on the matter has shifted more rapidly than almost anyone could have predicted as recently as a decade ago, supporters of marriage equality can't just sit and wait for change.

On the merits, the Supreme Court's task should be easy. More than 200 years of federal jurisprudence shows that the government has nearly always automatically honored the marriages of couples legally married in states or even other countries. By constitutional standards and tradition, same-sex couples married in New York should receive the same 1,138 (or so) federal protections and responsibilities provided opposite-sex couples who marry here. These rights — and not just rights, but also obligations — include Social Security, family leave, health coverage, immigration policy and tax payment.

The so-called Defense of Marriage Act, signed by President Bill Clinton in 1996, effectively created a "gay exception" to this centuries-old approach. In 10 recent rulings, a succession of federal trial and appellate judges has deemed this exception unconstitutional. These judges — including jurists appointed by the Republican presidents Richard M. Nixon, Ronald Reagan and both George Bushes — agree that in America, we don't have second-class citizens, and we shouldn't have second-class marriages, either.

The Proposition 8 case challenges California's stripping away the freedom to marry from one group of couples — those of the same sex — and asks whether it is acceptable for a majority to vote away freedoms (like the freedom to marry) from a minority. Both a federal district court and the United States Court of Appeals for the Ninth Circuit have rightly said no. The Supreme Court itself has affirmed the right to marry as a fundamental constitutional freedom 14 times — in cases involving, for example, restrictions on interracial couples and the right of prisoners to marry. The Prop 8 case offers the prospect of final vindication of that underlying freedom to marry. If being right on the law and having good lawyers were enough, we would have won the freedom to marry years ago. But history tells us that a key to prevailing before the justices is to make the same strong case in the court of public opinion as we make in the courts of law. Yes,

there are only a precious six months before the court hands down its biggest decisions next June. It is in that narrow window of opportunity that proponents of same-sex marriage, who have already worked so hard and made such progress in altering public opinion and securing marriage rights in many states and countries, must redouble their efforts.

We've seen from other social justice movements that national resolution on historically contentious civil rights questions typically comes after a long period of work, during which advocates build a critical mass of states that end discrimination and a critical mass of public support, which empowers the Supreme Court or Congress to then establish fundamental rights throughout the nation. This is a pattern that abolitionists, supporters of women's enfranchisement, the modern African-American freedom movement and advocates for people with disabilities — among many others — have followed.

So what can be done in the next six months?

First, rack up more state-level victories. By 1967, when the Supreme Court struck down restrictions on interracial marriage in the appropriately named case *Loving v. Virginia*, two-thirds of the states had already ended interracial marriage bans. By that measure — and it's a measure, not a rule or a formula — supporters of same-sex marriage still have a ways to go. But our four-for-four victories at the ballot box last month increased by half — in one night — the number of United States jurisdictions where gay couples can marry: adding Maine, Maryland and Washington to New York and five other states plus the District of Columbia. (In Minnesota, same-sex couples are still denied marriage licenses, but voters rebuffed a proposed amendment that would have added the ban to the state constitution.)

Along with local families and advocates, Freedom to Marry is already looking to 2013 legislative victories within reach in states like Delaware, Hawaii, Illinois, Minnesota, New Jersey and Rhode Island.

Second, we need to continue the momentum in public opinion. At the time of the *Loving* ruling, 70 percent of Americans opposed interracial marriage. By contrast, support for same-sex couples' freedom to marry has literally doubled from 27 percent in 1996 — the year a Hawaii state judge ruled that same-sex couples had a right to marry, a ruling later pre-empted by a state constitutional amendment — to 54 percent today. This growing majority includes, remarkably, a supermajority of younger Americans, nearly two-thirds of Catholics, a majority of Latinos and pluralities of African-Americans and Asian-Americans. The freedom to marry is one of the few questions on which Dick Cheney and Barack Obama agree, and it's of more than symbolic importance that two titans of the Supreme Court bar, the conservative lawyer Theodore B. Olson and the liberal litigator David Boies, have joined forces on the case challenging Prop 8.

Public opinion doesn't shift on its own; hearts are opening and minds are changing because of persuasion and discussion, evidence and experience. With increased urgency, it's our job to grow, diversify and mobilize that majority, conversation by conversation. Through campaigns like Young Conservatives for the Freedom to Marry and Mayors for the Freedom to Marry; public statements by business leaders like Jeff Bezos of Amazon and labor leaders like Richard Trumka of the A.F.L.-C.I.O.; the support of the N.A.A.C.P. and a growing number of

organizations representing Latinos, the largest ethnic minority group; and above all, personal conversations between family members and neighbors, we are continuing to persuade Americans that it's time to do right by all families and get on the right side of history. For that matter, the United States needs to catch up with its neighbors; Canada ended marriage discrimination years ago, and last week, the Mexican Supreme Court unanimously ruled in favor of the freedom to marry.

I am the kind of gay guy far more likely to quote Broadway lyrics than use sports metaphors, but let me give it a shot: Our opponents have spent the last 15 years continually moving the goal posts. They claimed we could never get Americans to put "gay" and "marriage" in the same sentence; we've grown a national majority for marriage. They claimed only the coasts would support the freedom to marry; we've won in Iowa and Minnesota.

They claimed courts would never uphold the freedom to marry; that a sitting president would never run on (rather than away from) support for the freedom to marry; that Republicans would never join Democrats in voting for freedom-to-marry bills. Wrong, wrong, wrong. (In New York, Republican state senators provided the margin of victory for the legalization of same-sex marriage last year.)

Now here we are, with the Supreme Court heading toward decisions on both the state and federal marriage discrimination that same-sex couples endure. And if we do our part over the next months, building on the irrefutable momentum of 2011 and 2012, we can give the justices confidence that when they stand on the right side of history, their rulings will not only stand the test of time, but be true to where the American people already are.

[Evan Wolfson](#) is the founder and president of Freedom to Marry and the author of "Why Marriage Matters: America, Equality, and Gay People's Right to Marry."

The Marriage Plot: Inside This Year's Epic Campaign for Gay Equality

By Molly Ball, December 11, 2012

How activists rewrote the political playbook, reversed decades of defeat, and finally won over voters.



Jane Abbott Lighty and Pete-e Petersen embrace after receiving the first same-sex marriage license in Washington state on December 6. (Getty Images/The Atlantic)

On May 9, President Obama sat for an interview in the White House with the ABC News anchor Robin Roberts. Both of them knew what she'd been summoned there to discuss, and Roberts didn't waste any time. "So, Mr. President," she said, "are you still opposed to same-sex marriage?"

Obama was ready for the question. A few days before, Vice President Biden had said on *Meet the Press* that he was "comfortable" with men marrying men and women marrying women. The surprise statement went against the president's own ambiguous stance, which was that he was against gay marriage but in the process of "evolving." At the same time, evidence of the political risk inherent in the issue was abundant. The day before, May 8, voters in North Carolina -- a key swing state Obama narrowly won in 2008 -- had overwhelmingly voted to ban gay unions, making it the 31st state to take such a step.

Obama sat back in his leather chair, his legs crossed, his hands in his lap, composed and a bit detached. "Well, you know, I have to tell you, as I've said, I've been going through an evolution on this issue," he began, in his usual roundabout way. "I've always been adamant that gay and lesbian Americans should be treated fairly and equally." He pointed to his administration's repeal of the military's "Don't Ask, Don't Tell" policy and its refusal to defend the Defense of Marriage Act in court. He'd hesitated to embrace gay marriage, he said, out of respect for tradition and a belief that civil unions offered enough protection to same-sex partnerships.

But now the president had changed his mind. "I've just concluded that, for me personally, it is important for me to go ahead and affirm that I think same-sex couples should be able to get married," he said.

The reasons for Obama's about-face, as he explained them, seemed perfectly normal. His thoughts, he said, had gone to his own staffers "who are in incredibly committed, monogamous relationships, same-sex relationships, who are raising kids together." He'd thought about the troops, fighting on his behalf, yet still facing the constraint of not being "able to commit themselves in a marriage." He talked about the values he wanted to pass on to his own children and the emphasis his own faith placed on the Golden Rule.

As natural as Obama's statement may have sounded, his words were as carefully chosen as the interview. The testimonial to the gay men and women in his life; the discussion of values and the Golden Rule; the remarkable fact that America's first black president, discussing an issue many see as a modern civil-rights struggle (with a black interviewer, no less), made no reference to civil rights -- these were all talking points straight out of the new playbook of the gay-rights movement.

The architect of this strategy was Evan Wolfson, a New York lawyer and gay-rights activist who heads a group called Freedom to Marry. Over the preceding months, Wolfson had briefed White House officials, including Valerie Jarrett -- the close Obama adviser often seen, for better and worse, as the president's liberal conscience -- on the findings of the group's years of research, findings that showed the most persuasive way of talking about gay marriage.

And while Obama's reversal was instantly hailed as a watershed moment, behind the scenes, Wolfson and his allies were already well on their way to fulfilling an even grander ambition. Gratified to have finally lured the president to their side, the activists were quietly working to bring voters on board, too. Though gay marriage was already legal in six states and Washington, D.C., it had been granted each time by judicial fiat or legislative action -- voters had never yet endorsed same-sex marriage at the polls.

That all changed on Election Day.

On November 6, four states -- Maine, Washington, Maryland, and Minnesota -- took the side of gay marriage in ballot referenda. The improbable sweep for an issue that spent decades as an across-the-board political loser has already changed the landscape for gay rights in America -- and could provide a new framework for other causes: The leaders of other social movements,

such as the campaign for gun control, are already studying the methods behind the gay-marriage campaigners' victory.

This is the exclusive story of that victory, based on reporting that began more than a month before Election Day; dozens of interviews; and access to scores of internal communications.

Engineering a Revolution

Today, America stands on the brink of a gay-marriage tipping point. The Supreme Court's announcement Friday that it would hear two cases related to gay marriage, including an appeal on California's Proposition 8, raised the possibility that by next summer legal gay marriage could be the law of the land.

But prior to November, gay marriage had been placed on 31 state ballots -- and voted down 31 times. Even in blue states like California (2008) and Maine (2009), defeat was universal. To opponents of gay marriage, that perfect record had become a powerful talking point -- proof that American voters stood firmly against any redefinition of the fundamental societal institution. "The people of this country have not changed their view that marriage is the union of a man and a woman," Brian Brown, president of the National Organization for Marriage, [told me in August](#). "The only poll that counts is the vote, and we've never lost the vote."

Now that that's changed, it's easy, especially for satisfied liberals, to see the results as simply the inexorable forward march of progress -- the long arc of the moral universe bending toward justice as public opinion becomes ever more enlightened. But like Obama's announcement, there was more to these victories than met the eye.

"Somebody said to me, 'Oh, you had Maine and Washington, those are easy states,'" said Amy Simon, a Democratic pollster who conducted research for this year's campaigns. "Let me tell you, there was some bristling on the other end of the phone." Until this year, she noted, Maine had two Republican senators, and in 2010 had elected a Tea Party-inspired governor and awarded Republicans control of the statehouse. It has America's oldest electorate, a large rural population, and a high proportion of Catholics -- all challenging demographics for gay-marriage campaigners. "That was the easy case? Are you kidding me?" Simon said. "This inevitability storyline is a rewrite of history to me."

The breakthrough victories for gay marriage in 2012 were narrow and hard-won. They were the result of meticulous work by a disciplined group of operatives who had vowed, after the defeats of 2008 and 2009, to find a way to win at the ballot box. Some gay-rights activists and donors were so dispirited after the California loss that they didn't think it could be done, at least not yet -- the public just wasn't ready. Many argued it was too big a risk. But Wolfson and his allies believed they could, in Simon's words, "create a tipping point" by combining smart political campaigning with a persuasion effort unprecedented in its depth and duration.

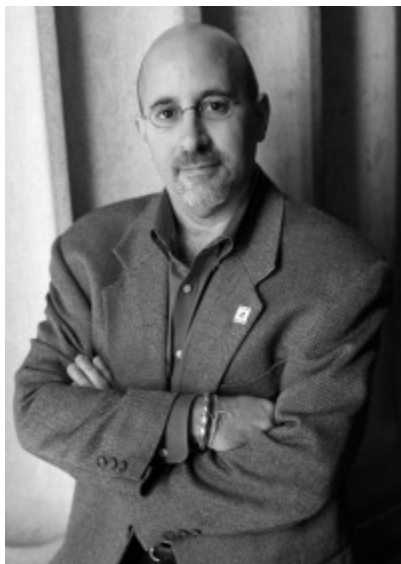
Obsessed With Marriage

When Obama came out for gay marriage, Wolfson could take credit for more than just the words the president used. He also helped put the issue on Obama's agenda in the first place.

Biden's accidental statement may have spurred the president to action, but a pressure campaign on Obama had been quietly gaining steam for months. Earlier in the year, Wolfson's group had led the charge to get gay marriage included in the platform to be presented at the Democratic Party's convention, a move that was controversial on the left but quickly gained momentum.

The positive response to the platform drive startled even the activists behind it. They'd anticipated a slow build and lots of lobbying; instead, Democratic House Leader Nancy Pelosi jumped on board the very next day, and Los Angeles Mayor Antonio Villaraigosa, the chairman of the Democratic convention, announced his support soon after. Within days, more than 20 senators had gotten behind the effort and David Plouffe, Obama's senior adviser and 2008 campaign manager, was getting asked about the possibility of a gay-marriage platform fight on the Sunday political talk shows. "Some of our senior staff went, 'Holy shit, this is out of control,'" Marc Solomon, Freedom to Marry's national campaign director, told me.

A short, round, bald, slightly nebbishy presence, Wolfson, ironically enough, resembles more than anything a New York divorce attorney. Ironically, because marriage has been the consuming obsession of Wolfson's life and career. Nearly three decades ago, for his final paper at Harvard Law School in 1983, Wolfson wrote about same-sex marriage, a topic his professors regarded as exotic to the point of eccentricity. (The idea of marriage for gays and lesbians wasn't totally new -- three gay-marriage lawsuits had been filed in American courts by 1971, two years after the Stonewall riots -- but they'd been essentially laughed out of court, and few in legal circles saw reason to revisit the issue.)



Evan Wolfson

After law school, Wolfson worked first as a prosecutor in the Brooklyn district attorney's office, then for the independent counsel investigating the Iran-Contra affair. Meanwhile, on legal pads late into the night, he wrote pro bono briefs for the Lambda Legal Fund, which litigates on behalf of gay rights. He worked on discrimination cases involving AIDS patients and helped sue the Boy Scouts on behalf of gay youths. Eventually, he went to work for Lambda full time. All the while, he kept thinking about, and arguing for, marriage. Wolfson was co-counsel on the Hawaii Supreme Court case that, in 1993, became the first-ever victory for same-sex marriage in an American court. But the ruling merely spurred voters and the state legislature to quickly find new ways to outlaw gay marriage in Hawaii -- the first of the voter-approved anti-gay-marriage state constitutional amendments.

That marriage should be a central fight of the gay-rights movement was sometimes a tough sell. Other battles, particularly at the height of the AIDS crisis, seemed more vital; many activists questioned whether gays should even want to participate in the ultimate heteronormative social institution. And in a society where sodomy laws would not be struck down by the Supreme Court until 2003, marriage seemed impossibly far-fetched. Wolfson saw it partly from a legalistic point of view -- without the ability to get married, gays were denied many legal protections afforded to other Americans. He was adamant that civil unions, which offer some of the rights of marriage under a distinct legal category, represented an unacceptable "separate but equal" status. ("I had a long argument over civil unions with Evan in 2004," a former Log Cabin Republicans board member told me ruefully. "He won.")

To Wolfson, the fight for marriage was about making gays full participants in American life and fully human in the eyes of their fellow citizens. "This was something that would transform non-gay people's understanding of who gay people are," he told me. "It would help people understand gay people as fully rounded human beings, with the hopes and dreams and human aspirations we all have." Other gay-rights struggles were mainly about convincing people to overlook sexual orientation, in employment or medical care or military service. Marriage is about what makes gay people who they are: their relationships with others of the same sex. In ratifying marriage for gays and lesbians, society would be ratifying the core of their identity -- their love for one another.

When Wolfson founded Freedom to Marry in 2003, gay marriage was not yet legal in any U.S. jurisdiction. For years, it was a small-budget nonprofit that chiefly served as a platform for his own speeches and advocacy. But after the electoral defeats in California in 2008 and Maine in 2009, he realized the group needed to be something more. Part of the reason gay marriage kept losing, he saw, was that it was constantly on the defensive. Gay-marriage opponents, often backed by the Republican Party and Catholic and evangelical churches, would methodically mobilize activists, collect signatures, and put gay-marriage bans on the ballot; state-level activists who supported gay marriage would then have a few months to assemble an ad-hoc defense, scrambling to raise money and come up with a message in an effort that was inevitably too little, too late. The gay-rights movement had a variety of national groups devoted to causes like workplace rights and gays in the military, but there wasn't a single, national organization campaigning only for same-sex marriage.

In 2009, Wolfson began expanding Freedom to Marry. It grew from four staffers and a \$1.4 million budget just three years ago to 17 staffers and \$9 million today. He brought on high-powered fundraisers, pollsters, and political consultants. He called for a full-scale reassessment of past tactics and a blueprint for future action.

When it came to the ballot box, just as gay-marriage opponents were convinced they couldn't lose, some proponents had become convinced they were jinxed. Wolfson refused to believe that. Against all evidence to the contrary, he thought his side could win.

How California Was Lost

To understand how gay marriage triumphed in 2012, you have to understand how it lost in California in 2008. The success of Proposition 8, which overturned a court order granting same-sex couples the right to marry in the state, shocked and traumatized gay-rights activists.

Shortly after the 2008 election, a political consultant named Frank Schubert published an article in *Campaigns & Elections* magazine called "[Passing Prop 8](#)." Nobody, he wrote, had believed that a constitutional amendment banning gay marriage could succeed in California, one of the most liberal states in the country, in a year when millions of liberal voters were drawn to the polls by excitement about Barack Obama. And yet, Schubert and his coauthor wrote, "conventional wisdom was stood on its head," and voters approved Prop 8 by a 700,000-vote margin.

Schubert served as the campaign manager for Prop 8. His side's first crucial decision, he said, was to avoid criticizing the same-sex couples who were already getting married. "After all," he wrote, "they were simply taking advantage of the rights the Court had granted them."

With gay-rights activists eager to brand Prop 8 proponents as bigots, Schubert felt it was important to demonstrate they were not against gay individuals or relationships per se. "Passing Proposition 8 would depend on our ability to convince voters that same-sex marriage had broader implications for Californians and was not only about the two individuals involved in a committed gay relationship," he wrote.

The central message of Schubert's Prop 8 campaign would be that there were consequences to legalizing gay marriage. "We reconfirmed in our early focus groups our own views that Californians had a tolerant opinion of gays. But there were limits to the degree of tolerance that Californians would afford the gay community. They would entertain allowing gay marriage, but not if doing so had significant implications for the rest of society."

The Prop 8 campaign's most effective ad became notorious in the gay community. In Schubert's words, it featured "a young Hispanic girl coming home from school, explaining how she had learned in class that a prince could marry another prince, and she could marry a princess!" Another ad featured a Massachusetts couple who said their son had been taught about gay marriage in the second grade.

Opponents of Prop 8 were slow to respond. When they did, it was with rebuttal ads insisting the education-based attacks were dishonest and education would not be affected by legal gay marriage. What happened next Schubert would later regard as his biggest break of the election. As he described it, "In what may prove to be the most ill-considered publicity stunt ever mounted in an initiative campaign, a public school in San Francisco took a class of first graders to City Hall to witness the wedding of their lesbian teacher. And they brought along the media."

The threat to children was no longer hypothetical. Immediately, the pro-Prop 8 campaign had an ad on statewide television "showing bewildered six-year-olds at a lesbian wedding courtesy of their local public school," as Schubert put it.

In the days before the election, Prop 8's opponents tried to change the subject to civil rights. Democratic Senator Dianne Feinstein narrated an ad calling on voters to oppose discrimination and protect gay marriage. In another, Samuel L. Jackson compared outlawing gay marriage to the internment of Japanese Americans in World War II. "We decided to not respond to this line of attack, confident that it would backfire," Schubert wrote in his article. "The basic message that supporters of traditional marriage are bigots, guilty of discrimination, had never worked in focus groups. For liberal whites like Feinstein to lecture black Californians about discrimination was not a winning message."

In the final count, Proposition 8 prevailed by a 52-48 margin, buoyed by the support of majorities of black, Hispanic, and Asian voters. In Schubert's telling, it was the story of a well-executed strategy succeeding. "The Prop 8 victory proves something that readers of [this] magazine know very well," Schubert wrote: "Campaigns matter."

Starting Over

For gay-marriage proponents, the defeat was a stunning one. They'd had as much money as their opponents and the most favorable conditions imaginable, yet they'd lost decisively. Recriminations flew; some despaired; others wanted to start campaigning again right away and put the issue back on the ballot in 2010.

As Amy Simon, the San Francisco-based pollster, watched the Prop 8 fight from the sidelines, it was clear to her that something had to change. Simon's research often focuses on emotionally complex social issues like late-term abortion and euthanasia. She could tell from watching the Prop 8 campaign that the opponents of gay marriage were hitting voters in the heart and the gut while supporters tried in vain to appeal to their heads. "It was so painful to watch," she said. "After the election was over, I was calling everyone I knew, saying, 'Let me in. We can do this.'"

Using funding cobbled together from a variety of foundations and advocacy groups, Simon conducted 25 focus groups and a detailed, 2,000-interview survey across California in 2009, trying to pin down the underlying emotional dynamics that were driving the voters who were "in the middle" on gay marriage. A wide swath, as much as 40 percent of the electorate, was neither absolutely in favor nor absolutely opposed to legalizing same-sex marriage.

Simon's sessions could be wrenching. A participant in one focus group had been screened as a soft opponent of gay marriage, yet she spent half an hour sounding very supportive. She talked enthusiastically about her affection for the gay people in her daily life, including gay coworkers and a lesbian sister-in-law. "Finally, I said to her, 'When we called you, you said you were undecided or leaning against [gay marriage]. Did we make a mistake?'" Simon recalled. "She looked at me and she stopped, and she said, 'No, no, no.' Then she started crying, and she said, 'I want to be for this. But I'm afraid I'm going to burn in hell.'"

Simon found many voters were struggling as painfully as that woman with the issue of gay marriage. Their "undecided" status didn't come from a lack of feelings on the issue. They were powerfully conflicted, caught between two deep-seated sentiments: On the one hand, a desire to be fair and compassionate toward their fellow man; on the other, a loyalty to what they saw as the ironclad teachings of religion, tradition, or culture.

"These were not mean people, not bigots, not bad people," said Thalia Zepatos, who, as Freedom to Marry's director of public engagement, spent 2010 synthesizing a massive amount of marriage-related research -- collating nearly 100 different surveys, studies, exit polls and focus groups from every state that had considered the issue, including new research the group commissioned. "As long as they'd ever thought about marriage, they'd had a certain image of what it meant, and now all of a sudden we were asking them to expand that," she said. "They had questions that deserved to be answered."

In survey after survey, researchers would ask people what marriage meant to them -- not gay marriage, but the concept of marriage itself. And the answers were always the same: Marriage meant love and commitment. Even people who'd been divorced three times would say the same thing. Then the researchers would ask, "Why do you think gay people want to get married?" and the answers would change: They want rights and benefits. They're trying to make a political point. They don't understand what marriage is really about. Most commonly, respondents said they simply didn't know.

"I worked on the marriage campaign in Oregon in 2004, and we had ads with a judge in a law library, talking about rights, saying it was wrong to deny people these rights," Zepatos said. "That was considered one of the most effective campaigns [for gay marriage] in the country." Yet it failed, like all the others, and in a sudden, breathtaking epiphany, Zepatos saw why. The advocates of gay marriage had successfully convinced people that gay marriage was something different from regular marriage. It was presented to the public as a technicality -- a matter of hospital visitations and burial plots. Such technicalities were important to activists, especially in the wake of the AIDS crisis, when they'd had real and devastating consequences. But it was no wonder fair-minded, tolerant straight people couldn't see that gay people wanted to get married because they loved and wanted to commit to one another.

What, then, was the better way to sell gay marriage? The first step was to stop calling it gay marriage or "same-sex marriage," which put it in its own category. In the same way clever Republican pollsters once rebranded the estate tax the "death tax," gay-marriage proponents started talking, simply, about marriage. (This has produced some confusing situations, as both sides of the gay-marriage debate now call themselves "pro-marriage." In Maine, for example, the

group in favor of gay marriage on this year's ballot was called Mainers United for Marriage, while the anti-gay-marriage group was Protect Marriage Maine.) To liberal audiences, the new preferred term is "marriage equality"; to conservatives, it's "freedom to marry."

The research found that the most effective message was "committed, long-term gay couples doing the same things that married couples do," in the words of a [November 2011 Freedom to Marry research memo](#) -- "mowing the lawn, helping an elderly neighbor, and talking about their hopes and dreams." Gay people needed to talk about marriage more: Many assumed their friends, colleagues, and relatives accepted them as deserving of marriage the same way they accepted them as people, when in fact, the same friends often figured that since their gay friends never talked about marriage, it must not be important to them.

Freedom to Marry began field-testing a new type of campaign in Oregon in 2010. Mailers and television ads for the effort, dubbed "Marriage Matters" and undertaken in partnership with a local organization, showed gay couples and straight couples side by side, talking about how long they'd been together and the meaning of marriage to their everyday lives. ("We've been together for 31 years.... We share the laundry, cooking, vacations and the happiness we wish for our children and grandchildren," a beaming lesbian couple said in one mail piece.) The campaign urged people to talk to each other about the meaning of marriage in their own lives and the principle of the Golden Rule, as in this mailer featuring a dialogue between "Kate" and "Darrick."

[DARRICK] *Where I grew up, you pretty much expected things to be a certain way. But over the years, we have met a number of gay and lesbian couples.*

[KATE] *We've been married over 10 years and can see that their commitment to each other is similar to our commitment to each other.*

[DARRICK] *Built around love and dreams that every individual has — just like any other relationship. It really made me think.*

[KATE] *I've really been thinking about it too because I have been talking to our 8 year-old son about not judging others, to treat other people the way we want to be treated.*

[DARRICK] *As a co-worker, a neighbor and especially as a parent, the Golden Rule is very important to us. You have to teach your children by example, by your attitude, not just words.*

[KATE] *Gay people may not seem the same as you and me, but in the end...*

[DARRICK] *...They just want to marry the person they love. I always felt allowing gay and lesbian couples to have a civil marriage was a complicated issue. But as I think more about it, it turns out to be pretty simple. Love, commitment, marriage.*

[KATE] *It's just human. I would absolutely not want anyone to tell me I couldn't get married.*

[DARRICK] *And we certainly wouldn't want to deny that for anyone else.*

All of these approaches were rigorously tested in controlled experiments. One population would receive one message; another, similar population would receive another; another would get no "treatment" at all, and pollsters would follow up to see what effect the message had. One of the first such trials actually happened in the heat of the Prop 8 campaign. A small nonprofit called Let California Ring aired a single television ad in the Santa Barbara media market and studied it in comparison with the similar population of the Monterey market, which got no advertising. (The small buy was all the group could afford; a plethora of small, uncoordinated groups was one of the Prop 8 opponents' many tactical problems.)

In the ad, called "Garden Wedding," a bride walking down the aisle keeps hitting obstacles: Her veil catches, her shoe heel breaks, she trips and falls. At the end, her groom -- a man -- is waiting. A tagline reads, "What if you couldn't marry the person you love?" Polling before and after the ad aired found that while support for gay marriage stayed the same in Monterey, it rose 11 points in Santa Barbara.

On Election Day, Proposition 8 was wildly successful in Southern California -- except for a single county, where it lost by 10 points: Santa Barbara.

Building the Map

On January 23, 2012, hundreds of activists for and against gay marriage descended on the Washington state capitol in Olympia, a domed edifice with a pale limestone facade. They gathered in a wood-paneled hearing room of the state senate, where Senator Craig Pridemore, a Democrat from Vancouver, presided over a 10 a.m. hearing on Senate Bill 6239.

The first witness lawmakers would hear was one of their own. Senator Ed Murray, Democrat of Seattle, a veteran legislator and chairman of the Ways and Means Committee, took his place at the hearing table. A middle-aged man with receding gray-white hair, Murray has a broad nose and a pockmarked face, and wore a blue suit jacket and blue tie with diagonal stripes.

"Michael and I are going to split the five minutes you gave me, so if I go over two minutes, cut me off," Murray said. His smile vanishing, he glanced down at his notes, wetted his lips, and adjusted his microphone.

"I have waited 17 years to ask this body to consider marriage equality for gay and lesbian families," Murray said. "I realize the issue of marriage for our families is emotional and divisive. It touches what each of us holds most dear -- our families. For Michael and I, there is nothing more important, as I know there is nothing more important for everyone here today, than our families."

The bill Murray was sponsoring would, if passed, legalize gay marriage in Washington. It had the votes it needed in the state house and the backing of the governor. But it was one vote shy of the 25 it needed to pass the state senate.

Michael Shiosaki, Murray's partner of more than 20 years, spoke next.

"When I think of marriage, my model has always been the 56-year marriage of my parents, Fred and Louise Shiosaki," he said. "What I have witnessed over the years has been their lifelong commitment to love and care for one another as they raised their family, my sister, and me in the Spokane Valley. That commitment I see in the relationship Ed and I share, that same promise to love, honor, and care for one another." He talked about his attempts to make Murray more organized and Murray's potato recipes. He talked about how they'd supported each other during the deaths and illnesses of their parents. They were legally bound under the state's domestic-partnership law, he said. But, he added, "Ed and I cannot be married like my mother and father are married."

A parade of witnesses in favor of the bill to legalize gay marriage followed, including a gay state trooper, a gay Iraq war veteran, the adopted child of gay parents, and a straight, churchgoing home-economics teacher who cried as she spoke about her gay daughter. A self-described conservative Republican, married for 44 years, talked about how his gay son had been cared for by his partner after a brain aneurysm. A sweetly nervous 16-year-old said he dreamed of being able to marry another man someday.

Against the bill, the arguments seemed airless by comparison, and often wildly off-message. One lawyer said its provisions allowing churches to decline to perform same-sex weddings didn't go far enough to protect religious liberty; another insisted the bill ran counter to the notion of "humanity as a gendered species." More than one activist asked lawmakers to put same-sex marriage on the ballot rather than enacting it themselves -- a sign of the gay-marriage opponents' continued confidence they could prevail in a statewide vote. A man likened the bill to letting a small group of people suddenly decide everyone should drive on the right side of the road, and warned of the agenda of NAMBLA, the North American Man-Boy Love Association.

Two pastors, a Catholic archbishop, and a nun said the bill offended them on moral grounds, but a rabbi, a Unitarian minister and a Lutheran bishop spoke for the other side, in favor of the measure. Another man accused the bill's backers of "promoting homosexuality," destroying families, and spreading AIDS.

"History will not be kind to you," warned a California-based author and activist named Jennifer Roback Morse, clad in a bright yellow sweater and large bifocals. "I am here today to hold you to account for the predictable harms you've already caused and will continue to cause with your efforts to redefine marriage. ... When we come to our senses 30 years from now and realize that we have perpetuated a grotesque injustice, not a single child born motherless or fatherless within a same-sex marriage will get his missing parent back."

After the two-hour hearing adjourned, the activists dispersed to lobby their individual legislators. That's when Zach Silk, the operative spearheading the lobbying campaign in favor of the bill, got a text message: The 25th vote had turned. Mary Margaret Haugen, a conservative Democrat, announced that after years of praying about the issue -- and talking with Murray -- she'd made peace with her decision to support same-sex marriage.

As the activists cheered and whooped in the hallways of the legislature, the executive director of the Family Policy Institute of Washington [vowed to the *Seattle Times*](#), "It's not done. In fact, it's

just started." Opponents of gay marriage, he said, would start collecting signatures immediately to put the new law to a vote in that fall's election. Silk knew it was true -- they'd planned for a ballot fight from the moment they started pushing the legislation.

The Washington fight was the second ballot measure to come on the map for 2012. Minnesota's legislature, newly stocked with conservative lawmakers after the 2010 wave of Republican wins, had already moved to put an amendment to ban gay marriage on the ballot. Then, just as Washington was gearing up to pass its bill, gay activists in Maine submitted signatures seeking their own ballot initiative -- the first time proponents, rather than opponents, of gay marriage would be the ones to put the issue to a vote. Maine's legislature had passed a same-sex marriage law in 2009, only to have voters overturn it that November. The proponents wanted to try again.

On the surface, the situation in the fourth state, Maryland, mirrored what happened in Washington: The Democratic legislature and governor passed a bill legalizing gay marriage, which opponents then sought to overturn with a ballot initiative. But behind the scenes, there were complications that made officials at Freedom to Marry leery of engaging in a campaign there. The state's main gay-rights group, Equality Maryland, had [nearly been forced to close](#) in 2011 amid accusations of financial mismanagement on the part of the executive director. Early polling put public support for same-sex marriage in only the mid-40s, versus majority support in Washington and Maine. Governor Martin O'Malley was strongly behind a gay-marriage bill in the legislature, but there seemed to be no plan for the referendum that would almost certainly follow.

Privately, some wondered if the bill wasn't primarily a vanity project for O'Malley to impress national Democrats in advance of a potential presidential run, especially since another Democratic governor with national aspirations, Andrew Cuomo of New York, had been widely hailed for getting gay marriage passed in his state in 2011. "There seemed to be a certain amount of dick-wagging between the governors of New York and Maryland," as one official put it.

Freedom to Marry was intent on being ruthlessly disciplined about the battles it chose. In an internal memo to guide conversations with donors circulated in late 2011, the group sought to convince them it would not waste their money. It would, its leaders promised, subject state ballot campaigns to a rigorous series of "benchmarks" before agreeing to get involved. "Going to the ballot in 2012 can be a winning strategy in states that meet a specific set of requirements," the memo stated. The requirements would include polling thresholds, levels of organization and fundraising, and enough lead time to lay early groundwork for a successful campaign.

Maine and Washington met the benchmarks. So did Minnesota, where the legislature had placed a constitutional amendment to ban gay marriage on the 2012 ballot. But Maryland did not. (Neither did North Carolina, where Freedom to Marry did not get involved in the referendum banning gay unions that prevailed in May 2012.) Freedom to Marry would share information with the Maryland campaign and offer support where possible, but would not send staff or money.

Politics, Sex, and Religion

Washington would be easy compared to Minnesota. Since 2009, Washington had allowed same-sex couples to form domestic partnerships, giving them many of the same state rights as married couples, and, in Seattle, it possessed one of the West Coast's most vibrant centers of gay culture. The challenge would often turn out to be convincing skeptical voters in Washington that the state needed gay marriage on top of what it already had.

Minnesota, on the other hand, was the heartland, a Midwestern state famous for its buttoned-up, polite, "Minnesota nice" culture. An extrovert in Minnesota, the joke runs, is a Lutheran who looks at someone else's shoes. Outside of the Twin Cities, gay marriage wasn't something people talked about; many older people were reluctant even to say the word "gay." In order to convince these prospective voters, gay-marriage campaigners would have to engage them in long, difficult conversations about politics, sex, and religion. And even if they won, gay marriage would still be illegal in Minnesota -- it just wouldn't be banned by the state constitution.

In September 2011, Richard Carlbom, the campaign manager for Minnesotans United for All Families, the group opposing the gay-marriage ban, invited faith leaders from across the state to an informational session at a Methodist church on Hennepin Avenue in Minneapolis, optimistically hoping perhaps 200 would show. To his amazement, a crowd of more than 700 filled every seat and spilled out of the room.

The clergy -- including four clerics who took leaves of absence from their churches to work full-time for the effort -- would prove to be crucial allies of the Minnesota campaign, helping to blunt the impression of the initiative as a fight between gays on one side and religion on the other. All six of the state's Lutheran bishops came out against the marriage ban initiative, and five of the six Lutheran synods passed resolutions condemning it. Methodists, Presbyterians, Episcopalians, and the Minnesota Rabbinical Association all opposed the ballot measure. In keeping with church doctrine, the Catholic hierarchy supported the ban, of course, but thousands of individual Catholics worked to defeat it.

In each of the four states where gay marriage was on the ballot, constructing broad coalitions and showcasing them would be crucial. The idea was to show voters that supporters of gay marriage could be churchgoers, or minorities, or even Republicans. In the Washington state campaign, for example, Republican state legislators starred in some ads that emphasized a libertarian message.

Long before the initiatives even reached the ballot, Wolfson and his allies believed preparation, message control, and early investment would be their keys to victory. In Maine, a state with fewer than 700,000 voters, campaigners needed months -- years, even -- to reach enough voters to change minds one by one. At a training session in early 2012 for field staffers in Brewer, Maine, a burg of 10,000 souls outside Bangor, a staffer read this update: "Since April of last year, we've had more than 110,000 one-on-one conversations with Mainers and changed the minds of almost 9,000 of them. Our goal is to have another 70,000 conversations this year -- including 1,400 right here in Brewer."

These would not be the two-sentence interactions of your average political campaign's door-knocking effort. Instead, they would be unlike anything heretofore tried in political outreach: deep, probing conversations designed not merely to hit a few talking points, but to change minds. Trained canvassers would engage in 30- to 60-minute heart-to-hearts, using scripts developed by behavioral scientists and tailored to various segments of the electorate, to draw out wavering voters on the meaning of marriage and faith in their lives.

In Maine, canvassers learned to begin each of these conversations with two precisely scripted, research-based questions. They first asked voters how they felt about marriage for same-sex couples. What came next was a question the campaigners called the "Marriage Three Way." With voters who said they were supportive of same-sex marriage, the canvasser drilled down, asking if they supported marriage or merely some other form of recognition, such as civil unions, for same-sex couples. It might have seemed superfluous to press voters who'd already said they were supporters, but the research had shown that some people who claimed to be in favor of same-sex marriage still preferred civil unions. "These voters," an internal training document for canvassers explained, "are susceptible to the opposition's messages."

Those who'd said they were opposed were asked a slightly different follow-up -- did they support some other form of recognition, such as civil unions, or no recognition at all for same-sex couples? Those who chose the first option, canvassers would attempt to persuade, because "people who generally oppose marriage but support civil unions are very persuadable to support marriage with the right kind of conversation." The latter were considered not persuadable, and the canvassers would thank them and move on.

In instances where the conversation continued, a more free-form discussion would ensue, one centered on shared values, love, and commitment. Canvassers were encouraged to share their own stories -- to talk about their gay friends and relatives, their own guiding values, their experiences with marriage. "There are two great questions on your script: 'Have you ever been married/Do you want to get married?' and 'Do you know any gay or lesbian people?'" the training document instructed. "You'll want to not only ask these questions, but also answer them yourselves. Remember, this is a two-way conversation, not an interview!"

The canvassers were amazed at how little it sometimes took to get people to open up in these chats. In one real, videotaped interaction, a Maine voter initially seems standoffish, telling the worker on her doorstep that her religion forbids gay marriage. But she's soon talking at length about her lesbian niece and gay coworkers, and by the end of the conversation she says she's more "open-minded" now than when she voted against same-sex marriage in 2009.

Finding the Money

Fielding an army of paid canvassers to do this kind of work in time for it to matter would be expensive. The gay-marriage advocates' intensive, bipartisan fundraising effort netted \$250,000 from New York Mayor Michael Bloomberg, \$500,000 from the Bill and Melinda Gates Foundation, a surprise windfall of \$2.5 million from the Seattle-based Amazon CEO, Jeff Bezos, and more than \$1 million from Paul Singer, the conservative hedge-fund billionaire who was also one of Mitt Romney's top bundlers in the 2012 presidential election. Tim Gill, a Denver-

based technology magnate who runs the nation's largest network of gay donors, gave and helped steer millions in donations to the marriage effort. Meanwhile, after suffering a wave of negative publicity for their involvement in funding Prop 8, Mormons appeared to steer clear of this year's gay-marriage fights, depriving the opposition of a previously rich source of funds.

Having this kind of money early made a difference. In early July, the Washington gay-marriage campaign reserved television ad time in the Seattle market all the way through Election Day, paying rates of between \$470 and \$520 per gross ratings point, the unit that measures the frequency and audience share of television advertising. By the time their opponents had enough money to purchase airtime in early September, prices had gone up, thanks largely to a competitive gubernatorial race; the gay-marriage opponents paid \$728 per point initially, then \$790 per point when they added to their ad buy in mid-October, according to the Freedom to Marry's media buyer. By the week before the election, rates were at \$800 per point.

But it was anticipating and fending off the opposition's attacks that would prove most valuable to the gay-marriage activists. The veterans of the Prop 8 loss were still deeply scarred by the "Princess" ad and the underlying effectiveness of the claim that same-sex marriage would be promoted to kids in public schools. When Freedom to Marry went to donors, the of attack was often the first thing the donors brought up: *Can you beat this?* As of late 2011, the answer wasn't clear. "We are in the final stage of refining and testing new approaches on 'harms kids,'" an internal memo optimistically reported. Translation: We think we can do it, but we still aren't sure.

Studying both the Prop 8 fight and the 2009 Maine campaign in which the same attacks were used, Freedom to Marry had learned what didn't work. Rebutting the ads directly, pointing out their distortions and inconsistencies, and insisting that kids would not, in fact, be harmed by gay marriage were tactics that didn't help. Instead, these approaches only served to sear the opposition's message (and the fear it inspired) deeper in people's minds. Yet the "Princess"-themed ads also couldn't be ignored. Left unanswered, the attack would stick.

Around the beginning of this year, after more than two years of study and testing, researchers working with the moderate Democratic think tank Third Way finally believed they had an answer. The best way to disarm the kid-themed attacks, they concluded, was to assuage the underlying fear parents had of losing control of their children's world, without directly addressing what could supposedly happen at school. The message was disarmingly simple: Children learn their values at home, from their parents.

"We've thought long and hard about it, and we know that someday allowing everyone the freedom to marry won't change our kids' values," says "Elizabeth," who's sitting at the dining-room table with her husband, "John," in an ad aired by Minnesotans United in late October. "Because they get those values from us," John says.

The campaigners hoped the "values" message would undercut the "Princess"-themed attack without drawing further attention to it. But it had never been tried before in the heat of a campaign, and its gentleness made a lot of gay-marriage advocates very nervous. "All along, there was a segment of our supporters in the gay and lesbian community who were frankly

disappointed in our TV ads," Silk said. "They were convinced we were going to lose because we were not aggressively, in a tit-for-tat political way, tackling the other side's arguments. But that was intentional on our part. They did that in California, and they lost. We were not going to be baited into that by our opponents."

Another state operative put it to me this way: "Every day I was getting calls, wanting to know why we weren't calling out the bigots."

Black vs. Gay

The campaign for gay marriage faced its own unique challenge in Maryland: race. In campaigns past, reliably Democratic African-American voters had often broken with their liberal brethren when it came to same-sex marriage, a discrepancy usually attributed to the influence of black churches. It was also part of a deliberate strategy by gay-marriage opponents. In an internal memo unearthed in March as part of a court case, the National Organization for Marriage [outlined a strategy](#) "to drive a wedge between gays and blacks." This fissure was particularly ugly in California, where, in the aftermath of the Prop 8 vote, many gay activists and white liberals blamed African-American voters for their side's defeat.

In Maryland, blacks made up 28 percent of the electorate, the fourth-largest proportion of any state and the highest outside the Deep South. But Obama's repositioning on gay marriage, which was soon followed by a full-throated endorsement from the NAACP, sparked a dramatic shift of opinion in the black community. Polls showed support for same-sex marriage among black voters moving as much as 10 points virtually overnight, from the low- to mid-30s to the mid-40s. The same-sex marriage campaigners moved quickly to capitalize on this change with an aggressive effort of African-American outreach, especially in churches.

Maryland didn't wind up suffering much from Freedom to Marry's decision not to fully support its campaign. In a bit of intra-movement rivalry, the Human Rights Campaign, the well-established Washington, D.C.-based gay-rights clearinghouse, had adopted the state financially and organizationally when Freedom to Marry declined to commit. (The two groups publicly insisted they got along fine and simply had different objectives.) Toward the end of the campaign, the airwaves were so clogged with ads for and against a casino referendum that both sides of the gay-marriage fight were priced out of the advertising market. Maryland organizers also had the advantage of working in the most Democratic of the four states: Obama would wind up with 62 percent of the vote, compared to 56 percent in Maine and Washington and 53 percent in Minnesota. What Republicans there were in Maryland were often different than in other states -- government workers or D.C. political professionals with libertarian views. A former chief of staff to former Republican Gov. Bob Ehrlich worked on the campaign for marriage, as did a senior fellow for the Cato Institute.

By late October, a *Washington Post* poll was showing gay marriage polling at 52 percent in Maryland. If the referendum succeeded, Maryland would become the first state south of the Mason-Dixon line to legalize gay marriage, and the old racial animosities might be put to rest. But it wasn't clear how lasting or real the "Obama effect" on black voters would prove to be. One national gay advocate not involved with Freedom to Marry or the Maryland campaign told me a

few weeks before the election that her biggest fear was that the other three states would vote in favor of marriage but Maryland would not. Such a result would reinforce the damaging, hurtful storyline about blacks vs. gays -- and with it, the idea that the beneficiaries of the last generation's civil-rights battle were standing in the way of this one's.

Waiting for the Shoe to Drop

As the campaigns entered their final stretch in late October, the marriage campaigners waited for new opposition tactics they'd have to scramble to respond to -- and waited, and waited. But almost everything went almost exactly according to the same playbook that Schubert, who had been retained by the National Organization for Marriage to manage all four state ballot campaigns, had laid out back in 2009. "We kept waiting for them to zag, and they just kept zigging," Silk said.

The traditional-marriage campaigners aired nearly identical ads in all four states, in a couple of cases even labeling the state incorrectly when they posted the ad online. The school-based attacks arrived on schedule in late October. The gay marriage proponents were so well prepared that when the first one aired in Washington, they issued a rebuttal press release 12 minutes later, had a response ad featuring the "values" message online in half an hour, and were airing the response ad on television within 24 hours. Crucially, all the gay-marriage campaigns but Maryland's had sufficient funds to air response ads while simultaneously keeping their commitment-themed ads on as well, a "two-track strategy" aimed at never letting voters forget the positive message about love.

What changes the gay-marriage campaigners did detect in their opponents' strategy were minor. Rather than aim primarily at middle-class parents, Schubert's anti-gay-marriage commercials seemed to be placing more emphasis on blue-collar white men, tapping into their economic anxieties by playing up (largely bogus) stories about gay marriage's supposed economic consequences. In several states, for instance, his ads featured an innkeeper in Vermont who was sued after refusing to host a lesbian wedding. (Gay-marriage advocates said the lawsuit stemmed from the state's anti-discrimination law and had nothing to do with the legal status of marriage.) The same-sex marriage proponents responded by including more blue-collar messengers in their ads.

The opposition also seemed to be trying very hard to provoke confrontation. Anti-gay-marriage demonstrators with large signs went to the gayest neighborhoods in Seattle, apparently trying to draw some kind of response. On October 14, a gay-marriage supporter tore a sign off a woman's car, yelled at her, and shoved a bystander. The [man was arrested](#); the gay-marriage campaign strongly condemned the attack; the opponents sought to play it up as proof they were being persecuted. As a tactic, the move seemed to the gay-marriage advocates to signal desperation and a lack of financial resources.

Two weeks before Election Day, Wolfson and Solomon, Freedom to Marry's campaign director, sent a confidential memo to top donors. "A week ago, we hosted a series of National Engagement Parties around the country, bringing in an additional \$500K for the ballot fights," it reported. Ken Mehlman -- George W. Bush's former campaign manager and a major fundraiser

and strategist for gay marriage since coming out in *The Atlantic* in 2010 -- had hosted the biggest one in New York, the memo reported, raising \$300,000. Freedom to Marry, the memo reported, was spending nearly \$7 million on the ballot fights, far outpacing the \$3 million goal the organization had set at the beginning of the year, and more than the opponents appeared to have raised in all four states combined.

At this late stage, the four campaigns were sharing an opposition-research firm and holding biweekly conference calls to strategize around common problems. In Maine, field staffers reported in-depth conversations with 165,000 individual voters. In Minnesota, they'd been airing TV ads nonstop since August. In Washington, the biggest challenge was convincing voters that domestic partnership wasn't sufficient. In Maryland, radio ads were going up featuring former NAACP Chairman Julian Bond and "invoking the president's explanation of how he opened his heart to the freedom to marry," the memo reported.

For all the confidence expressed in the memo, nervousness reigned behind the scenes. Solomon, a canny operative who hates to lose, is also a chronic worrier; the years he spent defending gay marriage politically in Massachusetts, a long fight that pitted him against an ambitious governor named Mitt Romney, were so stressful they left him with permanent nerve damage.

The day before the election, I emailed Solomon to ask how he was feeling. He wrote back:

Nervous....we've done incredible work in these campaigns (I'm in Portland, Maine right now), but it's hard to know what from our opponents sticks. Referenda are so different from court rooms or even legislatures, where the facts are presented and debated, dispassionately, under oath. In ballot campaigns, there is no restriction on misinformation and outright lies from our opposition. We've been extraordinarily well-prepared, we've raised the \$\$ and far outraised our opponents, we've gotten out our affirmative stories, even as we respond to our opponents, and we have in place the most powerful and targeted GOTV efforts our movement has ever known. But it's still nerve-wracking to have our fundamental rights and freedoms decided by voters at the ballot box.

I later learned another reason for Solomon's late-stage agitation: In the final days, some of the states' tracking polls had suddenly and unexpectedly swooned. Support in Maine dipped from the high 50s to 53 percent; Washington went from consistently polling in the low 50s to hovering, gut-wrenchingly, between 49 and 51 percent. And those were supposed to be the two strongest states. Maryland and Minnesota were holding steady, but only around 51-52 percent -- dangerous territory for an issue that had repeatedly gotten clobbered in the past after going into Election Day with wide polling leads.

Zepatos, the messaging guru, spent the days leading up to the election touring Minnesota in an RV. In the tiny town of Mountain Iron, an hour north of Duluth, she met a group of white-haired ladies whose quilting club convened at the Lutheran church on Sunday afternoons. The women told Zepatos they spent every Sunday discussing how to get their friends and neighbors to come around and vote "no" on the amendment to ban gay marriage. *There's something happening here*, she thought. But it occurred to her that she and her colleagues were taking a huge gamble on a strategy that had never been tried before and still might fail spectacularly.

"You sort of start cutting a trail that you think is leading in the right direction," she told me. "You've got a compass point ahead of you, you think you're going east or whatever, and you keep on it based on your reading of your compass. But until you reach that destination, it's always a question. Did I miss something? Is this really the right way?"

The Moment of Truth

When you work on a political campaign, there is never enough to do on Election Day. The get-out-the-vote operation is churning, reports are coming in from polling places, yet you are basically helpless as you wait for the outcome.

In Portland, Maine, Solomon edited two Freedom to Marry press releases for each state -- one for a loss, one for a win. As the returns began to come in, he huddled in the campaign's war room upstairs at the Portland Holiday Inn with the state's campaign manager, Matt McTighe, an old friend he'd worked with at MassEquality in Boston. The men wore orange laminated all-access passes around their necks as they parsed the incoming numbers, comparing each town's results to how it had performed in 2009.

In nearly every case, the numbers were coming in better than 2009. Even in the parts of the state where they expected to do worst, their margins were better than before, often by 6 to 8 points. They were even winning three counties -- Lincoln, Sagadahoc and Waldo -- they'd previously lost. Around 11 p.m., McTighe was doing a radio interview and couldn't hold back any longer. "At this point, it's a question of when, not if, we call the race," he told the host, the gay writer and activist Michelangelo Signorile.

News organizations still hadn't called it, but McTighe was sure. He walked down to the hotel ballroom, where 2,000 activists and field organizers had gathered, and up to the podium. The atmosphere was electric: The crowd could tell he wasn't coming in to tell them they'd lost.

"It has been a long time coming," McTighe said, his voice shaking. "Because of the work of everyone in this room, and so many staff and volunteers and supporters all over the country, we have finally won the freedom to marry."

The rest of McTighe's words were drowned out by screaming, ecstatic cheers. The activists flooded the stage, whooping and hugging. Then, in one attendee's video of the event, the camera panned to a bearded man in a red sweater, who was crying uncontrollably. His name was Mick; he was straight. On behalf of his lesbian sister, he had devoted hundreds of hours to canvassing for gay marriage.

Wolfson was in his New York apartment as the results came in; anticipating a long night, he preferred to spend it at home. Every time gay rights scored a win, Wolfson kissed his husband, a molecular biologist named Cheng He whom he [married a year ago](#). The [wins that night weren't just for marriage](#), as America also elected its first gay U.S. senator and record numbers of gay lawmakers up and down the ballot. "It was the first election night I had a husband to kiss," Wolfson told me later.

Maine was the first state to be called, then Maryland shortly after midnight. Minnesota, decided by the narrowest margin of the four, and Washington, which conducts elections exclusively by mail, would not be official until the wee hours of the morning. But in all four cases, the gay-marriage proponents could tell which way things were going from the early returns. Their goal had been to win a single state and erase their opponents' perfect record; instead, they'd gone undefeated. Hoping for a tipping point, they'd accomplished a sea change.

The Opposition Regroups

After the election, Schubert posted a [statement](#) on his firm's website. "I firmly reject the spin surely to come that this result signals a fundamental shift in American opinion in support of gay marriage," he wrote. "It means that we very narrowly lost four difficult contests in four very deep blue states after being badly outspent."

I reached Schubert, who lives in Northern California, by phone a few days later. He was headed off on vacation with his family, he said, and would not be reachable for a while. "It was just a bad dream, wasn't it?" he said with a rueful laugh. "I'm just hoping to wake up."

Schubert gave his opponents credit for running smart campaigns. As the months went on, he said, he was astonished by the variety of messages the gay-marriage advocates rolled out to target different groups. "In every state, they ran ads aimed at Republicans," he said. "They were different ads in different places, but the gist of all of the ads was 'We're Republicans, we've changed our minds, everybody should support liberty and freedom, gay marriage isn't going to bother us.' It wasn't overwhelmingly successful by any stretch of the imagination, but they peeled away a couple of points of our support among Republicans."

In Minnesota, 20 percent of Mitt Romney's supporters voted against the gay-marriage ban; in Maryland, 25 percent of Republicans voted to legalize gay marriage.

"Similarly, they ran ads aimed at religious voters, with pastors making the argument about the Golden Rule," Schubert continued. "Ethnic voters are still strong supporters of traditional marriage, but they got enough here and there to make a difference in this very close election. That was very smart of them to do, and we didn't have the money to counter them. I didn't have the money to run separate ads aimed at Democrats, Republicans, and independents. I was effectively defenseless to these new attacks."

Schubert and his allies were outspent several times over -- in the final tally across all four states, the pro-gay-marriage campaigns spent nearly \$42 million versus about \$11 million on Schubert's side. To Schubert, the lopsided finances showed that his losses had more to do with money than public sentiment. But to gay-marriage backers, they were proof of the draining enthusiasm for banning gay marriage. "They are running out of money to fight this," said Margaret Hoover, a Republican pundit, great-granddaughter of Herbert Hoover, and vocal gay-marriage advocate. (One of her proudest moments in public life was when, a few years ago, the National Organization for Marriage sent a fundraising letter to its supporters headlined, "Stop the Margaret Hoover Republicans!") "They are running out of support," she said. "On the financial and grassroots side, there isn't the support to fight this anymore."

But Schubert predicted that gay-marriage advocates would be victims of their own success. "Our opponents told the voters, 'No consequences! Nothing to fear!' Of course, that's not true," he said. "A raft of problems will appear that we'll be able to point to. The truth of the matter is that same-sex marriage creates a host of conflicts with people who disagree with it. That's just a fact. You will start to see wedding photographers sued and fined, innkeepers put out of business, churches sued, small businesses sued. Then people will say, 'Whoa, I didn't think this was going to happen.'"

I asked if that meant seeking more ballot initiatives, perhaps even going back to voters in the same states that voted this year. "We'll decide based on polling whether there's a critical mass to revisit the issue," Schubert said.

Above all, Schubert rejected the idea that a tide had turned in America. "I'm disappointed at the outcome, but not defeated. I don't think the cause is defeated. We'll rally and continue to fight," he said. "We believe we're fighting for a true and just cause -- that marriage is the union of a man and a woman for good reason and that that does serve society."

Deep down, Schubert said, this is something most Americans still believe. "I don't think," he said, "there's any reason to conclude the country has changed."

Looking Ahead

In the weeks since Election Day, the same-sex marriage campaigners have been conducting follow-up research, debriefing, and planning their next steps. A Maine statewide poll the group conducted post-election attempted to parse what worked and what didn't. Voters were asked, regardless of how they voted, which source of information was most important in making up their minds. The top choice, at 24 percent, was "friends, neighbors, and family" -- a major validation of the conversation-based strategy. Next was television ads, with 20 percent, while "gay or lesbian friends, family and coworkers" came in third, an intriguing finding that indicates that it was the straight allies of gay marriage that made the biggest difference.

Looking back on the ballot fights, the prevailing attitude among Wolfson and others is, essentially, "That was great -- let's never do it again." "I hope we don't get a new set of myths out of this campaign," McTighe said. "The No. 1 myth is that winning marriage is easy, that we've reached a tipping point and now we're always going to win." Gay marriage eked out 53 percent of the vote in Maine and Washington, 52 percent in Maryland, and 51 percent in Minnesota. "Some states are a little too emboldened by this success," he said.

Already, gay-marriage advocates from states such as Ohio and Arkansas are talking about putting the issue on the ballot, and Freedom to Marry is warning them against it. "We believe you need to lay the groundwork first -- you don't just willy-nilly put something on the ballot and see what happens," Wolfson said, calling the new ballot fights "not something we support." To put marriage on the ballot in a non-presidential year in a state where no preparation has been done, McTighe said, would be "bordering on criminally negligent."

Instead, the group is focused on the upcoming Supreme Court cases on the Defense of Marriage Act and Proposition 8. It is lobbying Congress to repeal the Defense of Marriage Act, and considering legislative campaigns in Delaware, Hawaii, Illinois, New Jersey, Rhode Island -- and, now that voters there have declined to ban gay marriage, Minnesota.

As happy as Wolfson is that voters have ratified gay marriage, he contends that no group should have to have its rights voted on by its fellow citizens. "It's very hard for a minority to turn to the majority and say, 'Please vote to end discrimination,'" he said. "If it were that simple, we wouldn't need courts or a Constitution. The American idea is that certain protections can't be voted away, and the majority must accord equal terms to the minority." Until that happens, the fight continues.

Evan Wolfson discusses same-sex marriage's long road to the high court

By Marcia Coyle
December 19, 2012

Next year, when the U.S. Supreme Court hears arguments on two same-sex marriage cases, 30 years will have passed since a young Harvard Law student, at the forefront of that civil rights movement today, wrote a thesis arguing the constitutional, legal and social reasons for recognizing gay marriages.

Thirty years seems a very long time, particularly if you are just 26. Although he is still impatient for change, Evan Wolfson, founder and president of Freedom to Marry, knows what history teaches.

"For years I've been preaching that change like this doesn't happen over night," he said. "Historically, we know change like this takes decades. That said, I believe it is time. I look forward to bringing it home as soon as possible."

Wolfson has been in this battle in the states, the Congress and the courts for a long time. From 1989 to 2011, he worked at Lambda Legal, the nation's oldest and largest gay rights legal organization. While there, he directed the nonprofit's Marriage Project and coordinated the National Freedom to Marry Coalition.

Wolfson has participated as counsel in numerous gay rights and HIV/AIDS cases. In 2000, he represented James Dale in the U.S. Supreme Court in *Boy Scouts of America v. Dale* in which a 5-4 majority, led by Chief Justice William Rehnquist, held that the Boy Scouts of America had a constitutional right—First Amendment right of freedom of association—to prohibit homosexuals from serving as troop leaders.

Even earlier, he also, ironically, was involved in the Hawaii Supreme Court case that triggered the enactment of the federal Defense of Marriage Act of 1996 (DOMA). The constitutionality of Section 3 of that law, which defines marriage as between a man and a woman for all federal purposes, is at the heart of one of the two cases accepted for review by the Supreme Court (*U.S. v. Windsor*). The second case, *Hollingsworth v. Perry*, involves California's Proposition 8, a constitutional amendment barring same sex marriages.

Wolfson, who launched his organization, Freedom to Marry, in 2001, recently shared some his thoughts about the cases with The National Law Journal.

Supreme Court Insider: Thirty years later, do you remember what you said in your Harvard Law thesis?

Wolfson: Thirty years ago I said marriage is the central social and legal institution of this and virtually every other society, and to be shut out of it is to be denied something extremely important in tangible and intangible ways. Central to its importance is the vocabulary of love, family, commitment and connectedness, and gay people need to claim that vocabulary, in part, to be participants in society generally and, in part, to help people understand what the Vermont Supreme Court, when it upheld civil unions, said is "our common humanity."

I talked not just about the constitutional and legal arguments but the social importance of having freedom to marry. I then enlisted my sister and friends to help me type the 130 pages, which I had handwritten on a legal pad.

In some respects, we've made progress at lightning speed, yet every day couples are denied something really important and for no good reason.

SCI: Many court watchers expected the justices to take one of the DOMA cases because that law's Section 3 had been struck down by two federal appellate courts. Were you surprised that the Court took both the DOMA and Prop. 8 challenges?

Wolfson: I actually was the rare grumpy one who didn't get involved in that speculation. I constantly had been urging people, telling them, "Our advocates are going to do a really great job in the court of law. We need to make the same strong case in the court of public opinion." We should focus on things we can do to help create a climate that will help the Supreme Court do the right thing. How do we win more states and how do we win more hearts and minds?

SCI: In *U.S. v. Windsor*, the DOMA case that the justices have agreed to review, the U.S. Court of Appeals for the Second Circuit applied heightened scrutiny to determine Section 3's constitutionality. If the justices adopt that standard of review and Section 3 fails the test, what impact, beyond DOMA and states that have legalized same-sex marriages, would the use of heightened scrutiny have on those states with laws prohibiting same sex marriage?

Wolfson: Discrimination based on sexual orientation, especially when, worst of all, it's practiced by the government, should be presumed unconstitutional. That's what heightened scrutiny is—it's presuming the discrimination is unconstitutional and the government better have a really good reason. Clearly that kind of scrutiny and skepticism are warranted here.

There've been at least 10 federal rulings saying DOMA's gay exception to marriage is unconstitutional, and those judges, appointed by a mix of presidents, Republican and Democrat, have come at that decision from a whole variety of legal angles, some applying heightened scrutiny and some not. In my view, DOMA's unconstitutionality is clear no matter what standard applies.

Were the Supreme Court to apply heightened scrutiny, the consequence would be [that] most, if not all laws discriminating against gays would fall, just as those against women and religious

minorities did. If the government is truly required to show a good reason, it turns out they don't have one.

SCI: Some proponents of same-sex marriage have suggested that the First Circuit's "closer than usual" review standard, which also led to the invalidation of Section 3, would be a wiser, though narrower, step for the justices to take. Would it be?

Wolfson: I do believe sexual orientation discrimination is wrong and ought to be presumed unconstitutional. Even under less explicit standards, as long as there's a real examination of the government's reason, it turns out there is no good reason.

SCI: Putting aside for the moment, your advocacy on behalf of same sex marriage, as someone who has litigated in the federal courts, how serious do you think the standing and jurisdiction issues raised by the court in its grants of review are?

Wolfson: I do think there are serious standing questions in the Prop. 8 case. I don't believe the Supreme Court can or should avoid ruling on the DOMA. In DOMA, there is truly a true case and controversy and a need for national resolution.

SCI: In the Prop. 8 case, the federal appellate court held that the Prop. 8 proponents had standing after asking the California Supreme Court whether the amendment's supporters could replace the state as its defenders. If there is no standing and the court dismisses the Prop. 8 case, what would be the practical ramifications of that dismissal?

Wolfson: I think it would conceivably leave the trial court ruling intact and that would apply to the state whose chief officers and legislature all agree with the trial court's determination. It would restore freedom to marry in California. I don't think it would be the right result narrowing it to the two counties where clerks denied licenses—not the right result for the state, let alone the families.

SCI: Some have warned that if the Supreme Court takes the step of including same-sex couples in the fundamental right to marry, that there would be a backlash similar to when it struck down the death penalty or found that women have a right to choose abortion in *Roe v. Wade*. Given that the majority of states today do not permit same-sex marriages, is this the right time for this Supreme Court to decide the cases that it has taken?

Wolfson: In my book, *Why Marriage Matters*, I quote Martin Luther King where he said, "I hate the word backlash." He said that's not what's happening. What's happening is that some of us have pressed for equality and inclusion. It's about a collision of what we think America and its promises of liberty and justice are all about. I say their backlash began before we lashed. Gay people have been denied the freedom to marry. We're saying in the courtroom: What reason does the government have for the denial?

The U.S. Supreme Court has said 14 times that freedom to marry is a fundamental right, a vital personal right. It turns out there is no good reason to deny that right to loving and committed couples who happen to be gay. That is the constitutional command and that is the right answer.

It's also true the court need not reach that question in order to uphold the appellate ruling that California had no good reason to strip away the right to marry in Prop. 8.

I look at it as the courts did the right thing in affirming fundamental freedoms in cases like *Roe v. Wade*. The failure came when we didn't continue to fight and defend that liberty and, in the case of *Roe*, the freedom of choice and access. Battles don't end when the court rules. We absolutely understand that. In state after state where we have won freedom to marry, support has grown. Once it's no longer a hypothetical, most people remember it's either a good thing or it doesn't affect them. We will not see the kind of turmoil after the ruling. The majority of Americans support the freedom to marry and after that ruling, they will see it doesn't take away anything.

Finally, this is ultimately about real people. Every day that people are denied freedom to marry, it means some families are denied an important safety net, or to be with their loved one in a hospital and other things. They don't see in the law the commitment they made in life, and that's unfair.

SCI: How do you feel about these cases coming before the Roberts Court?

Wolfson: This is the court we're in front of. I really do believe the justices can do the right thing and know that not only will history vindicate it but it's where the American people already are. There's tremendous momentum in the right direction, and the court should want to be on the right side of history and the justices should want to be remembered more like those who decided *Brown v. Board of Education* than those who decided *Plessy v. Ferguson*.

SCI: What do you think the reaction within the gay rights movement would be if the Supreme Court were to uphold DOMA and Prop. 8?

Wolfson: Then I am confident that will animate even more people to work hard to get the country where it needs to be. But it will add to the time it takes to end this injustice and add to the battles that the court could actually spare the country. Freedom to Marry—my organization—will have to continue instead of close up shop, which is my real goal.

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POPULATION 3,952

Prop. 36 Releases Questionable for Some

NOT ALL ELIGIBLE PRISONERS ARE EXPECTED TO GAIN EARLY RELEASE

By Boston Woodard
Staff Writer

Last November, California voters overwhelmingly amended the state's Three Strikes Law, one of the nation's toughest sentencing laws against repeat offenders. But while 2,800 prisoners are eligible for reduced sentences under the revised law, the number who will actually be re-sentenced may be much smaller.

The Three Strikes Law was passed by voters in 1994, allowing judges to sentence offenders to 25 years-to-life if they com-

mit three felonies ("strikes"), even if the third strike is not serious or violent. Over the years, many stories emerged of men and women sentenced to life in state prison for minor offenses such as stealing pizza, shoplifting clothes, or making off with small amounts of food.

LIFERS

In November, by a 2-1 margin, voters passed Proposition 36 to eliminate minor, non-violent crimes as possible third strikes. The Proposition also allows some offenders serving life sentences for nonviolent and non-

serious third strikes to apply for reduced sentences.

One San Quentin prisoner who is eligible for re-sentencing is 51-year-old Carl Wayne Wyatt from Kern County. According to Wyatt's court papers, he was convicted of possession of a dirty spoon with dried up cotton in it. He received a sentence of 25 years-to-life.

If approved for release, "I'll be able to gain back my life," Wyatt said. "I'll be able to see my three grandkids, who I've never seen."

"I can't wait to get back working in the oil fields and to work

as a certified volunteer firefighter, as I was," he added. "The state will never put handcuffs on me again."

But although Wyatt has no record of serious or violent crimes, his re-sentencing is uncertain.

REVIEW

According to an article by California Watch, the California District Attorneys Association is recommending that "district attorneys file subpoenas for the prison records of inmates seeking resentencing hearings" before decisions are made on any sentence modifi-

cation. The article explained that the courts would be looking at "everything from the offenders' health and psychological profile to their participation in rehabilitation programs."

Since the election, some eligible prisoners are concerned they may be denied resentencing because of prison disciplinary action. They feel the disciplinary process is unfair because many prisoners are not allowed to present witnesses and evidence on their behalf.

See *Prisoner Futures* on Page 4

Rehabilitation in S.Q. Harder to Attain

By Thomas Winfrey
Contributing Writer

Rick Higginbotham is the face of the new generation of San Quentin prisoner. After serving more than 20 years in California prisons, he moved to San Quentin on Aug. 1, 2012. He has yet to receive a work assignment or start a rehabilitative program. He spends his days exercising on the yard. He says he's not used to this kind of life.

"It has never taken me longer than two months to receive a job once I arrived at a new prison," he said. "I always heard that San Quentin was the place to go if you wanted to take programs, and once the parole board gave me a five-year denial and told me to take anger management, San Quentin is where I wanted to be. But I can't even get into

See *Prisoners* on Page 8

Expected Prison Costs \$8.6 Billion in 2012-13

By San Quentin News Staff

California taxpayers will spend about \$8.6 billion to maintain its prison system in fiscal year 2012-13, according to the nonpartisan Legislative Analyst's Office. The number is about \$394 million less than last year.

Most of the spending decrease is attributed to Gov. Jerry Brown's realignment plan, which shifted low-level felons from state to county control. Realignment funding has been guaranteed by the passage of Proposition 30.

When the Stockton health care facility is completed in mid-2013, an operating cost of \$155 million a year will be added to prison spending.

Realignment significantly reduced the state prisoner and parolee populations. However, it will not meet its court-ordered population cap of 110,000 prisoners by June 27, 2013, according to several experts. (See population chart on page 10.)

The court required that the state submit plans to the court to reduce the population to meet the cap, stating it will not "entertain any motion from the administration to increase the population cap." However, the court raised the possibility of extending the deadline by six months.

As of Jan. 2, the state's prison population reports show there are 119,054 prisoners in California's 33 institutions.

The report can be accessed at www.lao.ca.gov

2013 San Quentin Calendar

The 2013 Calendar on the back page of our December edition was inaccurate. We have provided a corrected version of that calendar on the back page of this issue.

Santa Brought Early Joy to San Quentin



Photo by Lt. S. Robinson

Smiles were abundant as many children received Christmas gifts from the Vietnam Veterans Group during the holidays.

See the full story and more pictures on Page 9

Napoleon Brown Released after 17 Years

PROP. 36 ENABLED SENTENCE MODIFICATION

By Julian Glenn Padgett
Staff Writer

Proposition 36 has opened the door for Richard Napoleon Brown, a prisoner who was serving life in San Quentin State Prison under California's Three Strikes Law.

Brown was incarcerated for nearly two decades. Due to voter-approved changes in the law, he was released from prison on Dec. 28.

"I was convicted of petty theft in 1995," Brown said shortly before his release. "But I had two 1975 priors. Both were assaults with a deadly weapon; they used

those priors to strike me out on my petty theft."

Even with a sentence of 25 years to life, Brown said he was never under the impression that he would serve the full 25 years.

After a few years imprisoned, Brown said he noticed how the law was being applied. "From the beginning, I felt it was a very unfair and unjust law."

"I'm inclined to believe that the Three Strikes Law was designed more so for African-Americans and Hispanics, mainly people of color," he commented.



Photo by Lt. S. Robinson

See *Prop 36* on Page 4

Richard Napoleon Brown

26-Year-Old Tradition Lives On in Folsom State Prison

PRISONERS REFURBISH BICYCLES FOR DONATION TO NEEDY CHILDREN

Folsom – Christmas was brightened for 51 El Dorado County children, thanks to gifts of bicycles refurbished by Folsom prisoners.

The prisoners take donated bicycles and refurbish them. Bikes in bad condition are stripped for spare parts. The two prisoners assigned to the shop work seven hours a day, five days a week.

“Each bike takes between two and six hours of inmate labor to restore them to like-new condition,” said Jeff Rumsey, who oversees the project.

“They love it because they get to do something constructive for the kids,” said Rumsey. “When I interview, I look for the right combination of skill and attitude, but I hire on attitude because the skills can be taught.”

The Folsom project began in 1986 and have become a holiday tradition, although bikes are donated at other times of the year as well.

In mid-December volunteers arrived in a fleet of trucks to pick up the bicycles, which featured a variety of sizes and colors. On the last school day before the holidays, they were delivered to low-income kids at Camino Elementary School in Camino and Sierra Elementary School in Placerville. The Par-



Photo by Lt. S. Robinson

Bicycles refurbished for San Quentin's bike charity program

ent Teacher Association at each school donated bicycle helmets.

“We’ve had high school kids and Rotarians crying during the giveaways,” said Joe Ryan of the Cameron Park Rotary.

Over the last 25 years, Folsom Prison has refurbished more than 8,000 bikes.

The program involves prisoners, the Cameron Park Rotary Club, Ponderosa High School students, the Golden Spoke Bike Shop in Placerville, Jerry’s Paint and Supply in Folsom and the prison’s Citizens’ Advisory Committee

The San Quentin Fire Department operates a similar bicycle program.

1st Ever Kwanzaa Celebration Held In San Quentin

CELEBRATING AFRICAN AMERICAN HERITAGE

By **Raphael E. Calix**
Contributing Writer

Smiles and cheers were on the faces of the men who attended the first San Quentin African-American Kwanza holiday on Dec. 28. Celebrants gathered inside of the Catholic Chapel to light candles, read poetry, perform a drum ceremony, and to share in the festive spirit.

Kwanza begins with a remembrance of the ancestral roots. In the spirit of “Matunda ya Kwanza”(First Fruits), the paths of hard work, knowledge and love are acknowledged.

This year marks the 46th anniversary of the uniquely African-American celebration, started by Professor Maulana Karenga of Long Beach State University.

There are seven principles of focus, and each is ushered in with the lighting of candles beginning on Dec. 26 and continues through Jan. 1. The principles are Umoja (Unity),

Kujichangulia (Self- Determination), Ujima (Collective Work and Responsibility), Ujamaa (Cooperative Economics), Nia (Purpose), Kuumba (Creativity), and Imani (Faith).

Family values are central to this celebration, which also include community and friends, said Stanley, a prisoner who attended the celebration. But it is equally important when we pay reverence to the creator by giving thanks and recommitting to the environment, and promoting healing for all, he said.

Catholic Chaplain George Williams provided sweet potato pie, tea, and coffee for the attendees. Father Williams first celebrated Kwanza while serving as a chaplain in a Boston jail. He said he believes it is good for everyone to celebrate community and family, as Kwanza does.

-- *Raphael E. Calix is a facilitator for the San Quentin African-American Kwanza celebration.*

San Quentin News

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In collaboration with students from The UC Berkeley School of Journalism

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The San Quentin News encourages inmates, free staff, custody staff, volunteers and others outside the institution to submit articles.

All submissions become property of the San Quentin News.

Please use the following criteria when submitting:

- Limit your articles to no more than 350 words.
- Know that articles may be edited for content and length.
- The newspaper is not a medium to file grievances. (For that, use the prison appeals process.) We encourage submitting articles that are newsworthy and encompass issues that will have an impact on the prison populace.
- Please do not use offensive language in your submissions.
- Poems and art work (cartoons and drawings) are welcomed.
- Letters to the editor should be short and to the point.

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Website Offers Help to Families of those Incarcerated

A new and free search engine, www.PrisonPath.com, provides information for the public. The site helps users in clarifying confusion and fear of the unknown when a loved one is charged and arrested, or sentenced to imprisonment in the United States. PrisonPath provides information including the ability to find a person incarcerated, visitation rules, contact numbers, and more about every American prison and jail. It also allows families and friends of inmates to communicate with each other on a specific page.

Editor's Note

The articles and opinions published in the San Quentin News are the responsibility of the inmate staff of the newspaper and their advisers. These articles and opinions reflect the views of the individual authors and do not necessarily reflect the views of the inmate population, the California Department of Corrections and Rehabilitation or the administration of San Quentin State Prison.

BEHIND THE SCENES

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Prisoners United in the Craft of Journalism

Calls For Peace Spark Widespread Interest

By Juan Haines
Managing Editor

Ending racial hostilities in California prisons, as proposed by a coalition of Pelican Bay prisoners, would not solve all of the system’s problems, but it would be a “dramatic step in the right direction,” says a law professor.

“Were the structure of racial hostility in the prison system to disappear, people would no longer have to waste their efforts on stoking unhealthy and counterproductive hatred and mutual harm, but could be free to associate with whom they choose and to spend their energies on positive personal self-development,” said law professor Sharon Dolovich, University California at Los Angeles.

In October, an interracial group of prisoners sought to change how incarcerated men

and women treat each other by writing and distributing an Agreement to End Hostilities. The letter calls for an end of violence between racial groups in California prisons and jails.

“If we really want to bring about substantive changes...now is the time for us to collectively seize this moment in time, and put an end to more than 20-30 years of hostilities between our racial groups,” the letter reads.

“On its face it appears to be an incredibly positive action that provides reason for hope and it should be supported by everyone involved in efforts to correct the horrendous problems that exist in the system,” said actor and activist Mike Farrell in an email to the San Quentin News. “But, I think evidence of positive action, especially evidence that can be verified, can and should be promoted by those of us outside the system

and will be invaluable in getting media attention,” Farrell added.

“If indeed the people housed in California prisons were to heed the call of this letter and end racial hostilities, it would be transformative”

Men in segregation statewide put aside their difference to work in unity with men they weren’t used to getting along with, wrote *Kendra Castaneda*, who is married to one of the men who started the effort in Pelican Bay, in the *San Francisco Bay View*.

On Oct. 10, the Los Angeles Youth Justice Coalition led a rally to initiate a “cease fire in the streets” to correspond with the end of hostilities inside the prison. The rally began at 10 a.m. outside the LA County Men’s Jail with representatives from the Fair Chance Project, LA Community Action Network, FACTS (Families to Amend California Three Strikes), California Families to Abolish Solitary Confinement, Homies Unidos, California Faith Action, Coalition to Stop Sheriff Violence and Gender Justice LA, reports Castaneda.

Prisoners in Calipatria State Prison, Corcoran, Pelican Bay, and Tehachapi have put aside their differences to be in unity, reports Castaneda.

The Agreement letter reads, “We must all hold strong to our mutual agreement from this point on and focus our time, at-

tention, and energy on mutual causes beneficial to all of us (i.e., prisoners) and our best interests.”

“If indeed the people housed in California prisons were to heed the call of this letter and end racial hostilities, it would be transformative,” said Dolovich. “My strong sense is that many of the most dangerous and destructive aspects of life in GP (General Population) units in the California prisons are related to the determination of some prisoners to enforce, with violence if necessary, a set of unnecessary rules mandating racial segregation and racial enmity. This increased freedom to define their own priorities and agendas would be a huge net benefit for its own sake, and would also reduce the stress and trauma that people in custody experience on a daily basis.”

Helping the Infirm

PRISONER GROUP OFFERS
COMPASSION TO OTHERS

By JulianGlenn Padgett
Staff Writer

A group of San Quentin prisoners called the Gold Coats have been selected to help elderly, sick and wheelchair-bound fellow prisoners live more comfortable and productive lives.

Duties of the Gold Coats include guiding disabled prisoners to and from leisure time activities, support groups, and school. They also help them get to medical appointments.

The program is called Inmate Disability Assistance Program.

“As the inmates get older throughout the California Department of Corrections and Rehabilitation,” said Glen Harden, one of the Gold Coats, “the creation of programs like (this) will definitely be a much-needed asset to this prison community.”

Harden said he was motivated to be a Gold Coat worker by his personal struggle with HIV,

witnessing disability assistance programs at other institutions, and his Christian belief in being of service.

“Since I’ve come to know Christ, I know the Gold Coat program is definitely a part of my growth,” Harden said. “I’ve been in medical facilities for the past 15 years, due to my own medical conditions. During that time, I’ve had the chance to see this program in action, and the Inmate Disability Assist Program is what these men need here at San Quentin.”

Harden, 51, was in prison from 1991 to 1997 for assault with a deadly weapon and robbery. He returned years later for armed robbery under the Three Strikes Law. The term “Gold Coats” comes from the bright gold-colored jackets worn by each worker.

The Inmate Disability Assistance Program is a statewide



IDAP workers on the lower yard in front of the Correctional Health Services Building

plan that has been implemented throughout CDCR, said John Curzon, Associate Warden of the Americans with Disabilities Act. He noted the program provides accommodations to prisoners with disabilities pursuant to the Americans with Disabilities Act.

“The department is taking a proactive approach to address its aging inmate population,” said Curzon. “And as the ADA,

my unit worked in concert with headquarters to get this program started.”

The program is constantly receiving many positive comments, “and I attribute the comments to the assigned inmate disability assistance workers of San Quentin,” Curzon said.

Harden praised Curzon and Lt. Williams for helping make the program successful.

“Our group is unique. We come from various backgrounds,” said Harden. “What I see is brother to brother, inmate to inmate helping each other overcome the difficulties of being handicapped or getting old in prison.”

The San Quentin Gold Coats are Harden, Anthony President, Raymond C. Mayor, Gregory Bedford and Shaka Senegal Muhammad.

Beloved Lifer Passes Away, Leaves Behind Daughter and Sister

By JulianGlenn Padgett
Staff Writer

Lifer Jesse “Blue” Wells, who friends said did his time quietly and with dignity, died of cardiac arrest Dec. 28 at the San Quentin medical facility. He was 56.

“When I got here he was in the cell,” said Carley McFarland, his cellmate. “Jesse and I never had a disagreement. He was an easy-going man who just wanted to be left alone.”

McFarland said Wells was a people’s person who genuinely got along with everybody.

Wells was convicted in 1996 and was serving a sentence under the Three Strikes Law. He

used to joke about how he was going to do all of his time, McFarland said.

“I never met anybody like him,” said McFarland. “So when Correctional Officer Lujan came to my cell and told me he didn’t make it, that shocked me.”

Wells reported chest pains and was taken to San Quentin’s on-site medical facility, where he died later in the day.

“He had diabetes and high blood pressure and other medical issues,” McFarland said. “Dr. Crenshaw was on him about his weight too because Jesse was 300 pounds or more easy.”

McFarland said he was moved to Administrative Seg-

regation pending an investigation and autopsy.

“I knew that’s how they do it, I knew I had to take the ride,” McFarland said. “I didn’t like being in the hole, but I knew I had to go.”

“He just left too soon”

McFarland said they gave him a day to clear his head, but he thinks the California Department of Corrections and Rehabilitation should come up with another process, especially if

an individual you share a cell with dies outside of the cell.

“I met him in 2011,” said Darryl Williams who has been incarcerated since 2001. “Jesse had the biggest heart and was like a father figure.”

Williams got in touch with Wells’ daughter, Renetta, to let her know of her father’s passing. Renetta was the love of her father’s life, Williams said, and he talked about her all the time.

“When I talked to her, I could hear it in her voice that she loved him too,” said Williams. “She said his wife died on the same day Jesse died,” which was during the catastrophe of Hurricane Katrina. Renetta

told him the mortuary wanted \$1,500 to fly his body back to New Orleans.

“She couldn’t afford to raise the money for the flight and also pay for her father’s burial fees,” Williams said. He and some other men in blue tried to raise money to help her, but they didn’t have enough time.

Renetta recently consented to a cremation ceremony at Mount Tamalpais Mortuary, which has a contract with San Quentin State Prison. “He just left too soon,” Carley McFarland said. “Way too soon.”

Wells was born May 5, 1956. He is survived by his daughter and a sister.

College Program Sponsors Open Mic

By Juan Haines
Managing Editor

There were songs and poems, laughter and somber reflections as a dozen San Quentin prisoners took the stage during the Prison University Project's annual open mic event.

Several PUP teachers and about 75 prisoners sat in the prison's Catholic Chapel to listen to the dozen or so prisoners who took the microphone. The stories ranged from how crime affects communities to bombarding college program sponsors Jody Lewen and Kara Urion with jokes.

Several prisoners who took the mic asked for a moment of

silence in respect to the families in Newtown, Conn.

The first speaker, known as "Maestro," recited parts of the periodic table. He finished his time by giving the audience a hip-hop version of Elton John's Rocket Man.

San Quentin thespian John Nesbitt recited parts of Hart Crane's *Voyages*, a sonnet about a love affair.

Tommy Winfrey read a self-reflection piece, *The Scarlet Letter I Wear*. "I searched the world for opportunities to be a better me," he read. I wrote the piece to explain how incarceration affected my life, Winfrey said "I must learn from my poor choices. Decisions made in haste have

propelled me into the spotlight of observation."

Antwan Williams performed in his second open mic. Williams said Jody and Kara gave him the confidence so he could succeed in education. He added that if he had just a little guidance on the streets, he wouldn't have ended up in prison. "I wrote the piece I read while trying to figure myself out," referring to how going to college while imprisoned taught him responsibility and commitment.

Wayne Villafranco used congas to tell an ancient story about how young men mature into responsible adults. The primal sounds and words kept the audience engaged in the story. "The

story had much meaning. I could pick out that he was telling about the circle of life. It was good," said one prisoner.

Kevin Sawyer played a guitar rock tune he wrote called Hazel's Theme.

A line in Rafael Calix's poem, *From Ghetto 'hood to State 'hood*, read, "My observation tells me the past is still passing." Calix said the line refers to the negative influences he encountered in his neighborhood. "Those negative influences are things like single-parent households, poverty, drugs, and the misrepresentation by the mainstream media."

Trumpeter Larry "Popeye" Faison played *Mercy, Mercy* by

Cannonball Addely. Faison said, "The tune had an added value to the time it was written to today's plight in the prison system. We need a little mercy."

Mike Tyler read one of his popular spoken word pieces, called *Where I'm From*, in which he talks about the hokey collectiveness of the small town of Los Banos.

Chris Schuhmacher personalized from a song by Third Eye Blind, *Motorcycle Drive-by*.

He said, "Winter time and the wind is blowing outside – this is San Quentin and I don't know what we're doing in this prison – the sun is always in my eyes...I've never been so alone – I've never been so alive."

Prop. 36 Hearing Brings Release

Continued from Page 1

This is evident because a majority of African-American and Hispanic men are filling the prisons and serving more time for less crimes than whites, he said.

When he was on the street, his life was centered on drugs and alcohol. He said the phrase he used to describe his lifestyle back then was "out of control."

Brown recalled, "The path I had taken was leading me down the road to destruction. I chose to live around prostitutes, even to the extent that I exploited them," Brown added.

In the early days of his incarceration, Brown said he stud-

ied the Bible and meditated on what he read.

"Studying God's word is what helped me find some peace," said Brown. "In those early days, I was surrounded by a lot of turmoil -- way too much, really."

Proposition 36 was a "smart on crime" change in the law, Brown said, but it should have included a broader outlet for prisoners.

"This not only would include three strikers but lifers -- men and women who have acquired the tools and skills that the (parole) board mandates," he suggested.

As for the future, "My plans are to reach as many young children to prevent them from coming to prison. This is no life at all."

Soon after he arrived at San Quentin, Brown said he began taking classes that would help him once he re-entered society.

"I took the Victim's Offender's Education Group (VOEG) and No More Tears -- both very good groups," Brown said. "I also took a Bible course program and I assisted here in the Bible Boot Camp teachings."

“Studying God’s word is what helped me find some peace”

Prisoner Futures Remain Uncertain Until Court Review

Continued from Page 1

Even though officials claim the hearings protect constitutional rights, some prisoners feel this is not always the case.

One Third Striker who asked to remain unnamed received a rules violation for "tattoo paraphernalia," which was actually a set of approved guitar strings. When the prisoner showed the strings were authorized, the prison's appeals coordinator changed the charge to "possession of dangerous contraband," a more serious charge.

The prisoner requested that he be entitled to his basic due process rights to confront evidence but was told the evidence (the guitar strings) were destroyed per institution policy. His appeal was denied at the highest level because the appeals process does not factor in declarations made by the prisoner, only by the reporting employee.

Some Third Strikers are concerned that such incidents might prompt denial of a chance at freedom, even with no serious or violent crimes on the record.

Greg Tabarez, a 59-year-old construction worker who spent

many years repairing sidewalks and gutters in Sacramento California, was sentenced to 25 years to life for "simple possession" of a controlled substance.

“There is more to do on the Three Strikes Law”

Tabarez, who also has no history of violence, does not see a parole board until 2022. "I think Prop 36 should apply only to those offenders with serious or violent crimes as it was intended in 1994," Tabarez went on to say that he believes SB-971 should have been changed years ago, explaining that, "the lives of many low risk offenders have been ruined because of this mean-spirited law."

But some district attorneys support the changes to the Three Strikes Law. District Attorneys Steve Cooley of Los Angeles County, Jeffrey Rosen of Santa Clara County, and George Gascon of San Francisco County all endorsed Proposition 36.

Defense attorney Dan Barton of Palo Alto, who recently vis-

ited San Quentin's Journalism Guild, called Proposition 36 a minor change in the law. "We needed to do something to fix this law, and Proposition 36 was a good start," he said.

Barton cautioned that a prisoner who qualifies for sentence modification under Proposition 36 would have one shot at his or her freedom via the hearing. However, if denied, Barton said that decision could be appealed to a higher court. He added that the judge will evaluate all completed forms and documents before deciding any change in an eligible prisoner's sentence.

In Santa Clara County, where Barton practices, "officials from the District Attorneys Office, the Probation Department, the Public Defenders Office and other court representatives have put together a 'sentencing package' to be used in each case.

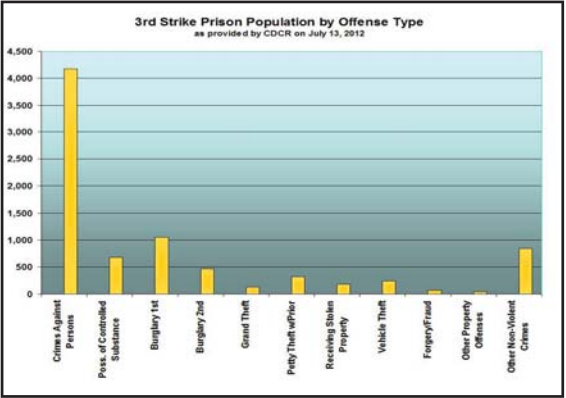
It'll be almost like a parole hearing."

The fight to reform the Three Strikes Law is not over. Barbara Brooks, with Sentencing Justice and Reform Advocacy, said her organization is in it for the long run.

"There is more to do on the Three Strikes Law, and we are giving serious thought to that," she told the San Quentin News in a telephone interview.

The SJRA wants to form a coalition of Three Strikers, both inside and outside prisons. "There are many who want to continue and help those who don't make it out," she said.

Brooks said she believes those who do get out "owe it to the ones left behind, possibly all prisoners... because what they do after released will form the attitudes that the public and those in government will have toward prisoners in general."



The Green Life

Facilitators and Graduates

November 16, 2013

FACILITATORS:

Monta Kevin Tindall
Cornelius Ahmal Wigfall
Juan Haines
Arnulfo Garcia
S. Hearnnes
Glenn F. Padgett
Erin O'Connor
Jorge Heredia
Michael Harris

GRADUATES:

Fidel Salcedo
Maurice L. rown
Adam Lerma
Michael Endres
W. Willafranco

Eric Lowery
Douglas Lafayette Nelson
Cheistopher Scull
Vaughn Miles
Angel Alvarez
Glen R. Tufuga
William Quinones
Fabian Vazquez
Joahn Balocca
Calix R.
Eric Phillips
Gino Sevacos
Sean Malis

SPONSORS:

Angela Sevin
Pandora Thomas

San Quentin's entrepreneurship program, The Last Mile, will hold its second Demo Day on February 22nd. More than 100 guests have been invited to this popular event.

Military Families

MILITARY MOTHER FINDS COMFORT FROM 'OPERATION: MOM'

By Chris Schuhmacher
VVGSQ Chairman

Gloria Godchaux of Operation: MOM was interviewed by the chairman of the Vietnam Veterans Group of San Quentin to find out what prisoners can do to support American troops overseas.

How did Operation: MOM come about?

Operation: MOM began in 2001 when Dotty Selmecski and I began to look for an active military parent support group. It was imperative for me, because immediately after 9/11, my son, who is a U.S. Marine, was deployed to an unknown destination called "Somewhere." At the time, Dotty and I didn't realize that thousands of other parents out there also needed a safe place where they could share their worries for their loved ones serving in the military. Since then, Operation: MOM has branched out across various communities establishing support groups wherever they are needed.

What challenges have you faced?

I would say the most challenging and heart-wrenching form of care that we've had the privilege of giving is standing beside those families who have lost their serviceperson while they gave the ultimate sacrifice of their lives serving our country.

How did Operation: MOM get connected with VVGSQ?

When Operation: MOM began its grassroots efforts, we had to decide what other, if any, types of organizations we would align

ourselves with. In 2003, we met the VVGSQ, which have been instrumental for nearly 10 years in supporting Operation: MOM by providing funds to help active duty military families and being an integral part of sending "A Little Touch of Home" care packages to our troops around the world.

What's next for Operation: MOM and the VVGSQ?

In 2013, Operation: MOM and the VVGSQ will be supporting an Air Force unit whose mission is to drop off supplies to Army and Marine ground forces. They have asked for specific items, such as green socks and Desert Sand military T-shirts, which were already purchased with donated funds from the VVGSQ.

How can men other than San Quentin veterans get involved with Operation: MOM?

We fill "A Little Touch of Home" care packages with things like snacks, powdered beverages, washcloths, finger-nail clippers, and other hygiene items, so if they wanted to donate those types of items, it would be greatly appreciated. Postage for all the boxes gets pretty costly as well, so stamps are well received too.

Note: San Quentin staff and prisoners wanting to help Operation: MOM support the nation's troops can collect snack items, hygiene items, and postage now. Signs will be posted later in housing units directing where to leave donations.

Persons in the community can donate by contacting the VVGSQ's chief sponsor, Lt. K. Evans, at San Quentin State Prison. (415) 454-1460 ext. 5205.

EDUCATION CORNER



Photo by Lt. S. Robinson

San Quentin's library during mainline open hours

Overcrowded Population Strains Library Resources

By Boston Woodard
Staff Writer

San Quentin's main library is under-equipped, overcrowded and struggling to meet the legal and recreational reading needs of prisoners, Senior Librarian Tom Brobst reports.

With so little space for so many important purposes, Brobst feels he needs to be a curriculum acrobat at times in order to maintain fair library access for the General Population.

Brobst has been a librarian for approximately 18 years, with 13 of those years at San Quentin. He worked at R.J. Donovan, CSP-Solano, and as a parole agent for two years before coming to San Quentin.

Brobst is deft in legal issues important to the prisoner patrons, such as legal forms, case law, and reference books. But he cannot give legal advice because he is not an attorney.

COMPUTERS

Unlike prison libraries of years past, San Quentin now has seven computers available for legal research, meeting the requirements of *Gilmore v. Lynch* for prison law libraries with LEXIS and PREMIS legal databases. These resources are updated quarterly, although Brobst says updated information sometimes arrives to San Quentin's library late.

Prisoners cram the library in hopes of getting a spot on a computer to work on their cases and other legal matters.

"There are not nearly enough computers available for everyone doing legal work," prisoner Ted Swain said. Recently, "three computers were inoperable," he said, making availability tougher. The computers have since been repaired, "but it's a serious ongoing problem as this frequently occurs," added Swain.

"The library has no budget and depends on the Office of Corrections Education headquarters in Sacramento for its funding," Brobst added.

CAPACITY

The official maximum capacity at San Quentin's library is 38 prisoners at one time. There are currently 58 men on Priority Legal User status, who have precedence because of "confirmed pending legal issues" in the courts. This is a problem with a potential 2,000-plus user in the General Population. Often, there is barely standing room in the sitting/studying area of the library, according to Brobst.

Library worker Barry Ryeak, serving 15 years to life, told the *San Quentin News*: "The library could use many more books, but with space being a problem, we do what we can with what's available."

Brobst said he distributes donated books among several "locked-down units throughout the prison."

The library serves the General Population, Reception Center, and Death Row.

DEATH ROW

Brobst points out those Death Row prisoners are under-served because of space limitations in the condemned library. It provides "complex, specialized legal services that require a senior librarian with the requisite training and experience to individually assist each prisoner," explained Brobst. The Prison Law Office and the California Appellate Project monitor access to that library.

One San Quentin librarian, John Cornell, was laid off last year due to budget cuts, leaving two librarians on staff. They supervise 12 prisoner workers.

California's prison system has come a long way since the days of Bibliotherapy, when librarians worked with prison psychologists to provide books for prisoners to study, then followed up with discussions about what was learned.

In 1952, one library journal illustrated how libraries "can surround the prisoner with a perpetual intellectual atmosphere of the type which is necessary to bring about a definite change in his behavior patterns."

Inspirational Garden Is a Place of Peace

By Kenyota Gray
Journalism Guild Writer

A splash of color greets prisoners and visitors to the west end of the San Quentin Lower Yard — a flower garden, tended by about two dozen inmates, guided by volunteers.

The Garden Project started with a specific mission that focused on the need for inner gardening, with an emphasis on personal growth through behavior modification, said program founder Beth Waitkus.

"The idea behind planting a garden and nurturing it has given me a better understanding of the importance of cultivating healthy relationships," said Abdul Henderson, one of the H-Unit Garden Project participants.

Waitkus led a recent ceremony marking the 10th year of the gardening program, in which members were awarded certificates.

Outside gardening and green jobs training provide skills the participants can readily utilize when they reenter the job market, Waitkus commented. She noted the project has connections with agencies such as Planting Justice, a non-profit organization geared to providing part-time employment for participants as part of its reentry program.

"I didn't know what I was going to do about a job when I got out, but this program has lifted a huge weight because I can now get some work doing something I'm familiar with," Henderson said.



Photo by San Quentin Staff

Members of the Garden Project gather together in front of their Insight Garden

SPORTS

Kaepernick's Dream

YOUNG QUARTERBACK REALIZES CHILDHOOD AMBITION PLAYING FOR THE NINERS

**By Gary Scott
Sports Editor**

San Francisco 49er quarterback Colin Kaepernick's childhood dream came true before our very eyes.

A letter Kaepernick wrote to himself when he was 10 years old was printed recently by the San Francisco Chronicle.

He wrote, "I'm 5 ft 2 inches 91 pounds. Good athlete. I think in 7 years I will be between 6ft to 6 ft 4 inches 140 pounds. I hope I go to a good college...then go to the pros and play on the Niners or the Packers even if they aren't good in seven years...Sincerely Colin."

His hope became reality in 2011, when the 49ers traded up with the Denver Broncos in the second round and selected Kaepernick 36th overall.

After starting quarterback Alex Smith's concussion in the second quarter against the St. Louis Rams in week 10, Kaepernick entered the game and led the 49ers to a tie. He finished the rest of the season as the starter with a 5-2 record.

Born in Wisconsin, Kaepernick moved to Turlock, Calif. with his adoptive parents, Rick and Teresa Kaepernick, at the age of four. His parents had lost two children to congenital heart disease before adopting Colin,

who is now heavily involved in Camp Taylor, an organization that helps children with heart diseases.

Nevada offered him a scholarship despite concerns that he would choose professional baseball over playing for the Wolf Pack. The Chicago Cubs drafted Kaepernick in the 43rd round of the 2009 draft, but he continued to follow his football dream.

Kaepernick became the first player in NCAA history to have three consecutive seasons in which he threw for more than 2,000 yards and rushed for more than 1,000 yards. He is also the only quarterback to have passed for 10,000-plus yards and to



Photo courtesy S.F. 49ers

Kaepernick seeking an open receiver from the backfield where he has led his team to the playoffs

have rushed for 4,000-plus yards in the history of Division I FBS college football.

In 2007, Kaepernick won Western Athletic Conference Freshman of the Year and was named the WAC Offensive Player of the Year in 2008 and 2010.

At the time the San Quentin News went to press, Kaepernick was fresh off a win over the Green Bay Packers, in which he threw two touchdowns and ran a record-setting 181 yards, including a 56-yard touchdown run. He is preparing to compete in the Niners' second NFC championship in as many years, versus the Atlanta Falcons.

ernick was fresh off a win over the Green Bay Packers, in which he threw two touchdowns and ran a record-setting 181 yards, including a 56-yard touchdown run. He is preparing to compete in the Niners' second NFC championship in as many years, versus the Atlanta Falcons.



Photo by Lt. S. Robinson

The San Quentin tennis team on the court

Tennis Team Shares its Inspiration

San Quentin's tennis team plays most weekends against outside players from local colleges, professional teams, and the Marin Tennis Club. The men told the San Quentin News what drives them on the court.

"I keep playing tennis because I enjoy the idea that my shots keep getting better. There is always the thought that I may make a killer topspin rip across the court to make the point. Oh, that is a great feeling! Of course there are some good days and some bad days. That is the way it goes." - Jason McGinnis

"I enjoy the camaraderie and it's a lot of fun. There's a lot of

good guys I get to play with. It's good for my health because I'm a heavy guy and it's something I can take to the street with me. Playing tennis helps me to stay focused and from worrying. It is also great to be able to play guys from the streets like the college athletes who teach me things like bettering my back hand. It's a blessing." - Marc Jordan

"I love the fun and the challenge of learning something new. Tennis is a sport where there's always something you can work on like serving or my backhand. As long as it stays fun, I'll be on the court." - Chris Schuhmacher

"My health. Also it is a way to be the athlete that I always was early on. There are workouts involved as you become more aware of the sport, which does not always happen in another sport. The challenge is the thrill of putting it all together." - James Taylor

"I think the camaraderie and the competition are things that motivate me in strengthening my game. It helps me relieve stress. It also helps me with my communication skills because I get to socialize with people from the outside communities." - Orlando Harris

-Gary Scott

Giants' Season Ends With a 6-5 Record

Distractions in the San Quentin Giants baseball team's off-season affected the team's structure and continuity, yet they finished with a 6-5 record.

There were many obstacles to overcome for the Giants going into the season. "The season was full of ups and downs," said inmate Coach Frankie Smith. "It was short and somewhat unorganized, but regardless it is baseball in prison, so we need to keep that in mind."

Smith tried not to let these challenges hold him back. "My approach to the season was like any other once we got the ball rolling, so to speak," said Smith. "Pick nine guys and play the best baseball possible."



Photo by Earnest Woods

Coach Smith at work

Giants catcher Michael Tyler did not let the team circumstances affect his approach to the season, either. "I tried to stay positive and not let the game change who I am on and off the field," said Tyler.

Tyler said he approached the season determined to perform better than he did last year. "Every year I try to do better and improve my skills where I can. I just want to play baseball and have fun doing it."

Coach Smith discussed the improvements his team can make going into next season. He said, "Perfect practice makes

perfect. It is clear that our team is not getting any younger, so by maintaining our physical health during the off-season, the team can have a jump on those who allow themselves to get out of shape."

Tyler said he can help his team by improving his batting technique and becoming more of a leader on the field. He said, "My batting is something that I truly need to work on. I can see the ball, but I have not yet learned how to turn my hips on the ball. I also feel if I play catcher again this coming season, I will take more of a leadership role and be a little more vocal."

Despite an average baseball season, Tyler said he appreciated the opportunity to play baseball with his teammates. He said, "I have some good memories of this past season that I will hold onto for the rest of my life."

-Gary Scott

Coaches Reflect on San Quentin A's Winning Season

The San Quentin A's worked their way through an exceptional 2012 baseball season, according to Coach John "Yahya" Parratt and pitcher Nghiep Ke Lam.

"The season went excellent and my expectations were reached when I saw the happiness in my players' faces," said Parratt.

Ke Lam gives appreciation to everyone who contributed to the

A's successful season. "I felt our season went miraculously with the support of the administration, the Oakland A's organization, a few dedicated coaches from the outside community and the wonderful teams making the trip to play us," said Ke Lam. "Despite some setbacks, my team made this season very memorable. We went beyond expectations."

Parratt's management skills helped the A's to their second winning season. "My approach to the season was to go in and put the best nine on the field," said Parratt. "I wanted to make sure we had each player in the right position and have a good bench and pitching staff to carry us through."

Ke Lam expressed some areas of improvement they can

address before next season. He commented, "There are minor improvements we could work on, like base-running and understanding the signs."

"San Quentin A's is a team, and team stands for Together Everyone Achieves More," Parratt concluded.

The A's finished their season 8-0.

-Gary Scott



Photo by Earnest Woods

Coach John 'Yahya' Parratt

S.Q. Soccer
Needs Sponsors

LETTER TO THE EDITOR

Observations on Prison Life
– A Visitor’s Commentary

WAITING FOR SPONSORSHIP

**By Gary Scott
Sports Editor**

San Quentin’s soccer players have organized and started competing in hopes that someone would come in from the streets to coach and donate uniforms, cleats and soccer balls. Two players described to the San Quentin News the value of playing soccer behind prison walls.

“First and foremost, soccer teaches discipline,” said Alex Ruiz.

Jorge Heredia expresses how one can take what they learn from playing soccer and turn them into life skills. “Soccer teaches social and communication skills,” Heredia said. “It keeps you fit and reduces stress as well.”

“To play you have to learn to love it. When you love it, you

even play in the snow, the rain or whatever the elements,” said Ruiz. “Soccer is like an art. You can use your hands and feet and do things with the ball that people can admire”

“Due to the increase of the inmate population and the limited job opportunities, soccer is a perfect outlet for the guys who do not have jobs here,” said Heredia.

Alex Ruiz played soccer since the age of four, when he lived in Peru, and credits his uncle Pepe Del Carpio for introducing him to soccer. He moved to America at the age of 14 and played soccer at Albany High School in California.

While Ruiz was playing soccer as an eight-year-old, a motorcyclist ran over his leg. Ruiz loved playing soccer so much, it only took him a few days to start back playing again.

Editor’s Note: The following excerpt is from a Letter To The Editor from Samuel Sher, who visited San Quentin recently with a group sponsored by the self-help group TRUST.

My trip to San Quentin was one of those moments that stopped me in my tracks. It made me forget about all the insignificant and superficial trivialities in life and try to define what’s really important in life.

Inside these walls, this was home; this is where everything takes place. That really shocked me. That was a hard concept to grasp. That we are living our lives in the outside world, and here they are day after day, living a life free of that basic necessity. As we talked to the prisoners, I became mad. These

awesome people are ... bright and so in touch with themselves. Why are they locked up in here, being treated like caged animals? Some of these men are more competent than those living outside of prison. I became mad because all it came down to is a failure to understand them, a failure to grasp who these people are, and how they have changed, so we take the intolerant path of sticking them in prison. I became frustrated with society for being so narrow-minded.

As we made our way to the field, I became more mad to see all the prisoners divided up among race. I know it’s prison and there are rules that you can only associate with your own skin color. That is where the problem all around the world lies. We are so concerned with

which group we are a part of and who we belong to that we forget we’re all the same. We are all one human species, living on the planet together. To divide ourselves and fight over something so insignificant as skin color is ridiculous and immature.

What’s done is done. You can’t change the past. And no one knows this better than the prisoners of San Quentin. Yet they are the ones who learned from their mistakes, so much so that they have completely transformed themselves as people.

We are so grateful and honored that you have taken the steps necessary to be the human beings you are meant to be. I will accept you as a member or society and a guest of my home.

Thank you and never give up.
Samuel Sher

Race Still a Factor in Determining Police Stops

LAW SCHOOL PROFESSOR DESCRIBES RACIAL UNFAIRNESS IN THE SYSTEM

**By Charles David Henry
Staff Writer**

People of color are disproportionately stopped by police, arrested and imprisoned, according to an activist and law professor.

“It is time for every person interested in justice and safety to join in and dismantle this racist system,” wrote Bill Quigley, a Loyola University law professor and associate director of the Center for Constitutional Rights, on the website CommonDreams.org.

Because of “a domestic war against the marginalized,” people of color remain subjected

to harsher penalties in the U.S. criminal courts, Quigley said.

He cites Professor Dylan Rodriguez’s book, *Forced Passages*, which argues the lack of productivity by the marginalized jeopardizes the stability of the mainstream, which rationalizes the need to isolate them from the majority.

“These people,” whether they are in Guantanamo or Abu Ghraib or U.S. jails and prisons, are not productive, are not needed, are not wanted and not really entitled to the same human rights as the productive ones,” said Quigley.

The Sentencing Project reports that although African

Americans make up 13 percent of the U.S. population and 14 percent of monthly drug users, 37 percent of people arrested for drug offenses are African American.

Further, law enforcement records show people of color are subjected to stop and frisk at alarming rates compared to people subjected to the policy.

The American Civil Liberties Union recently reported California African Americans are three times more likely to be stopped by police than whites. In New York City, 80 percent of the NYPD stops were of blacks or Latinos, de-

spite people of color making up only half of the population.

The US judicial system fares no better, the report shows. In the federal system, black offenders receive sentences that are 10 percent longer than white offenders for the same crimes, according to a 2010 U.S. Sentencing Commission report. According to the Sentencing Project, African American defendants are 21% more likely to receive mandatory minimum sentences than white defendants, and African American drug defendants are 20% more likely to be sentenced to prison than white drug defendants.

Another disparity uncovered in the report “concludes that the chance of a black male born in 2001 of going to jail is 32 percent or one in three. Latino males have a 17 percent chance and white males have a six percent chance.”

Quigley quotes Professor Michelle Alexander, author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, as saying, “nothing short of a major social movement can dismantle this new caste system.”

Professor Quigley’s article can be found at www.CommonDreams.org.

Unique Spiritual Center Thriving in San Quentin

**By JulianGlenn Padgett
Staff Writer**

On the west side of the San Quentin Lower Yard, Native Americans gather at their sacred sweat lodge to pray, study and perform ancient rituals of worship and purification.

Called Shasta Lodge, it is the world’s first fireplace sweat lodge in a prison, said Hector Frank, San Quentin’s Native American chaplain.

LESSONS

“Basically they learn how to pray,” said Frank. “The lessons taught here in the sweat lodge are about our history, our way, our connection to our church.”

About two dozen Native Americans, most of whom are

from northern Californian tribes, gather in the sweat lodge to worship and share tribal culture, learning Native American language and ancient traditions like ceremonial song and dance.

It is a re-birth, Frank explained. When the men come into the sweat ceremony, they let go of everything, and when they go out, they are thoroughly cleansed.

“Just entering into this atmosphere is special, because we are entering inside Mother Earth’s womb,” Frank said.

“It’s like a purification ceremony,” said Frank Whipple, of the Wylacki Tribe in Covelo, Calif. “We’re sweating out the negative energy and putting positive energy back in.”

Robin Guillen, of the Commanche Chippewa tribe, who has been incarcerated for nearly 40 years, recalled his first sweat ceremony.

SPIRITUALITY

“I was 12 years old when my parents took me to my first ceremony,” Guillen said. “I learned that for guidance, this is how we as native people connect spiritually with the creator.”

Guillen said the sweat lodge can bring a person balance — emotionally, physically and spiritually.

“It’s my center,” said Guillen. “I would not have been able to receive the guidance to accomplish what I have, if I had not remained true to the sweat lodge.”

The history of San Quentin’s sweat lodge is intertwined with that of another famous prison.

In 1976 Frank and several other spiritual and civil rights activist embarked on a trek from Alcatraz Prison to Washington, D.C. to advocate for the religious rights of prisoners.

“It was called ‘The Longest Walk,’” Frank said. “All the believers were there (including) Buddhists from China and Japan, along with several priests from other congregations and churches.”

At the culmination of the walk, and with the approval of the United Nations, the Freedom of Religion Act was signed by then-President Jimmy Carter, who has Cherokee Indian ancestors, says Frank.

Today this law is known as the Religious Land Use and Institutionalized Persons Act, which protects institutionalized people from discrimination based on their religious beliefs.

PRISONS

As an Indian priest, Frank has guided Native Americans at other prisons such as Folsom, Chino, Nevada State Prison, Arizona State Prison, and Pleasant Valley. He also helped put the lodge up in Chowchilla and Valley State Prison for Women.

“I’m 61, and I’ve been coming into the prisons for over 40 years,” said Frank. “Forty years ago I made a commitment as a Sun Dancer to come in here and help the Indian people.”

Wedding Bells Rang in San Quentin

Three San Quentin prisoners were married in the Visiting Room last month. Here are some of their comments.

George and Robyn Yacomb: "We wanted to bond our love as soon as possible," said Robyn. "It's the best Christmas present ever." She said she believes George will be released soon and the couple plans to have another wedding once he's released.

"Being with her is like breathing"

Brandon and Amanda Dawson: They wanted to marry earlier in the year, but the prison was not able to make arrange-



Newlyweds
Roy and Kecia Willis

ments. It worked out "great," said Amanda. Even though they didn't plan a Christmas wedding, Brandon said, "It just feels so natural. Being with her is like breathing; it's the right thing to do."



Newlyweds
Adrian "Redd" and Robin Casey

Roy and Kecia Willis: Roy has known Kecia's family for years. "Our families are connected and had been seeing each other for a long time," said Kecia. One day I came along while they were visiting "and the spark I got from Kecia was irresistible," Roy said. "I'm the happiest guy in the world today."

"I'm the happiest guy in the world"

In an earlier Visiting Room ceremony, Adrian "Redd" Casey and Robin were also married.

"You bring me joy", Robin told her husband.

Prisoners Find Self-Help Programs Out of Reach

Continued from Page 1

program because there are such long waiting lists."

Program shortages at San Quentin, known as a "programming prison" for its long list of rehabilitation programs, are one of the unintended consequences of realignment.



Photo by Lt. S. Robinson

Hitland Ministries 2011

In October 2011, California began keeping low-level offenders to county jail instead of sending them to state prison in Gov. Jerry Brown's effort to reduce prison overcrowding. The state's bloated prison population has dropped by about 27,000 prisoners, from more than 200 percent capacity to around 145 percent.

One goal of realignment is to improve rehabilitation programs for "hard-core prisoners" who remain in state prisons, according to Your Call, a KALW radio show. But at some prisons, including San Quentin,

the policy has had the opposite effect, say some prisoners.

San Quentin's population fell from 4,652 before realignment to 3,939 in January 2013. The drop is due to the significant reduction of the number of prisoners in the Reception Center, who do not compete for general population programming. The general population, however, has doubled, significantly increasing the number applying for rehabilitative, educational, and vocational programs.

San Quentin now houses many more prisoners serving life sentences than it did before realignment. Lifers are expected to participate in vocational, academic, and self-help programs to qualify for a release date. Many of the newly arrived lifers are frustrated by the unavailability of rehabilitation program openings, saying the prisons they came from they had work assignments that kept them busy and provided them with training, crucial for parole suitability and for finding a job once released from prison.

WAITING LISTS

Waiting lists for self-help programs that Higginbotham had hoped to join have ballooned since realignment took effect. The Prison University Project had no waiting list before re-

alignment except for its college preparatory math class, which was about a one-semester wait. Now there is a waiting list of 18 months to two years to start any PUP class.

Another program affected by realignment is Non-Violent Communications. NVC has a waiting list of more than 200 inmates, and can only accommodate 30 participants per class. With only three new classes taking place per year, this means a new arrival who signs up for NVC today can expect to wait more than two years.

The Victim Offender Education Group, a self-help group that helps inmates become accountable for their actions through the restorative justice model, seeks to bring healing to the victim and the offender. Before realignment, the wait for VOEG was between one and a half years to two years. Now the waiting list is five years long, according to VOEG Steward Richard Lindsey.

VOEG program director Rochelle Edwards said she is taking steps to cope with long waiting lists. In 2012, VOEG expanded from two groups to eight inside San Quentin. Currently Edwards said the program is seeking solutions such as holding intensive one-day workshops for all inmates on the waiting lists. She said the real limitation to expand-

ing the program is available programming space.

Marty Spears arrived at San Quentin in October from California Men's Colony, where he was employed as a leadman in the Prison Industry Authority print plant. San Quentin's print plant closed three years ago due to budget cuts. San Quentin's PIA has seen a reduction in work force since realignment.

"I went from being in charge of millions of dollars of equipment to not being able to pick up paper on the yard," said Spears, "and facing two-year waiting lists for almost every self-help program at San Quentin."



Photo by Lt. S. Robinson

Breast Cancer fund raising event 2012

Gary Gilbert was recently transferred to San Quentin from California Men's Colony. "I have not even gone to my initial classification committee that is supposed to take place within two weeks of arrival," Gilbert said. He cannot receive a work or education assignment without being classified.

Even if Gilbert was classified, the chances that he would receive a work or education assignment right away are slim.

San Quentin has only one vocational program for 2,357 mainline inmates, after losing the Sheet Metal program at the end of December with the retirement of instructor Keith Baughn, and the previous closure of the landscaping and printing programs.

The Machine Shop has only 27 jobs, and demand is high for those assignments.

In the California Department of Corrections and Rehabilitation's plan, "The Future of California Corrections," San Quentin is projected to have four additional vocational programs up and running by June 2013, with six more to be added the following year.

The San Quentin plan relies heavily on education programs to keep prisoners busy. San Quentin has increased the number of Voluntary Education Programs in recent months, from zero classes before realignment

to six classes in January. The number of GED teachers has also increased from one to two.

VEP is scheduled to replace programs that were cut in the 2010 budget, such as Adult Basic Education and English as a Second Language. However, unlike ABE and ESL, VEP does not have a curriculum and is not a work assignment.

Many hoped realignment would improve the lives of California prisoners. But for the lifers now arriving at San Quentin, the policy has resulted in frustration — with troublesome implications for their chances of getting out.

"My expectations were high," said Spears. "When I got here, I was completely let down."



Photo by Lt. R. Luna

SQUIRES members with youth from L.A. during a recent visit in June 2012

Kids Shared S.Q. Christmas Joy

Ten days before Christmas, San Quentin News went to the visiting room where prisoners' children received gifts collected by the Vietnam Veteran's Group of San Quentin. The SQN asked visitors about the impact visits have on their lives. For more quotes, go to www.facebook.com/sanquentinnews.

Pam Schuhmacher: I've (visited my brother) every year for the past 12 years he's spent in prison for Christmas. I try not to leave him alone for the holidays. My Christmas wish is for my brother to get out of here.

Gloria McPeters: I love being here with my son. I'm going to be here every Christmas, and every birthday for my son. My Christmas wish is for him to come home and the world to stop all of this violence, corruption and poverty.

Theresa Allen: I think the kids need more than just one day to visit with their fathers in prison.

Denise Abbott: Fortunately, I get to visit a lot. The reason I visit so much is the reception I receive from the staff. They are



Photo by Lt. S. Robinson

Smiles were infectious and found on everyone present during the holidays

The quickest thing we lose is hope. Yet to have this gives me hope that I can have a future with her.

Penny LaFerme: It's a joy to be able to see my nephew today. It's special. His brother Dan is visiting from out of town. San

Donna Paciocco: Here at San Quentin, it's a good experience. We have good officers like Tynes and Lt. Evans. He's here on this day to make sure the kids get Christmas gifts.

Trecee Paciocco: It feels good to visit my uncle. I think it's really nice that the lieutenant is helping out with the gifts. It's special.

Jazmean Martin: I love coming here to see my uncle. It's important to me. I can't wait 'til he comes home.

Maverick Harrison: The fact that I have someone come in here to visit me gives me something to fight for. It makes me feel human and alive.

LeMar Harrison Jr.: It feels a little bit better because I'm closer to my family. It's great to see my father and I get presents.

Catherine Harrison: You have to work with what you have. Unfortunately, this is the situation we have to deal with. Even though this is not the Christmas we want, we are together. That's what matters.

Dennis Pratt: My wife (Barbara) gives me a lot of love and joy.

D'andra Esparza: It's really fun coming here. I get to spend time with my uncle. I love the presents. It's really sweet, their giving presents to the kids.

Livia Esparza: I just want my uncle to come home for Christmas.

Sonja Hill: It's a good feeling to come in here and share the holidays with my husband. I get inspired by the guys who aren't able to be with their children on Christmas, but through the gift exchange they still have that bond.

Darnell Hill: It does matter who gives the gifts. A gift from dad is an intimate opportunity to connect with children emotionally and psychologically.

Carmen Garcia: I only get to see my dad twice a month. It just makes me happy to see him.

Monica Garcia: I take him with me in my heart when I have to leave, as I have done for the past 23 years. He's the love of

my life. I look forward to the next weekend, the next weekend, and the next.

Amy Smith: It's amazing, hard, sad, and wonderful. I try to enjoy every moment in here. I look forward to the next one. I try to stay in the moment. The person I visit grounds me.

Adam Garcia: I think it's nice that we can come in here and see our father, so he's not alone on Christmas. I was four when I learned my dad was in prison. Every wish I've ever had is for him to come home.

San Quentin's Lt. Evans: This is my fifth year with VVG-SQ toy give-away. What these guys do benefits the community. It makes me feel good that I'm not only helping the inmate, but we're helping the family of the inmates too. I believe the staff feels this way too.

"I think it's nice that we can come in here and see our father"

Joe Petitti: I've been with the VVG-SQ for eight years. I'm a retired correctional officer and I worked with the department for 25 years. I get a charge out what these guys do for the kids. It's something they don't get to do

all the time. I'm really happy to be a part of it.

Barry Spillman: Petitti is our biggest supporter. We just hope the administration continues to see what we're doing. It should be known that 95 percent of the Toys for Tots came from the U.S. Marine Corps in San Mateo.

Stan Baer: I'm a veteran. I love being in the VVG-SQ and being a part of the toy drive. We had help from Ern Morgan at Alliance for Change. Ern actually brought the toys here. Charlie Spence's mom donated funds for the truck that brought the toys here.

Greg Sanders: As a member of VVG-SQ, and the toy drive, it's an honor and a privilege to give back to society and make amends. It's a form of contrition we failed to exhibit prior to our incarceration.

Lawson Beavers: I've been a member of VVG-SQ for two and half years. It's an awesome



Photo by Lt. S. Robinson

One of Santa's elves

feeling to see the expression the kid's faces. It's very satisfying to see that.

Gary Cooper: I served in the 3rd Battalion, 9th Marines. I've been with the VVG-SQ for almost a year. There's no program like this at other prisons. Just seeing a child's face light up when they get a gift is great. We had a lady tell us that for one child, this will probably be the only Christmas gift he gets.

From John Parratt to Shaylin: You are a lady with pure integrity. Thank you for bringing peace to my heart. May 2013 be our year. Love - Yah Ya.



Photo by Lt. S. Robinson

Look at what Santa brought for us!

so friendly and warm. I visited Joe at Solano State Prison. It was a much different experience. The staff there was very impersonal. The San Quentin staff promotes visitation.

Sarah Dias: I drove (a long way to see) Chris. It's enlightening to see the people who come here and visit their loved ones. It is crowded, but that means people are loved, wanted and needed. The toy drive is good, because a lot of families can't afford it.

Quentin can be intimidating to some people, but I rush to get here to be with my nephew, who I love.

"Just seeing a child's face light up when they get a gift is great"

Tierra Gaines: It's good today. I'd rather have my husband home. I don't like coming here, but I'm happy when I see him.

Vickisha Gaines: There's no place I'd like to be than by my husband's side. I feel thankful I can at least see him. There are so many people who no longer have their loved ones.

Mrs. Polley: It's always a blessing to be together with someone you love, no matter what season. It's been 20 years. I learn something new from my husband every time I come here. The love is still there.

Ernestine Lennear: It's hard not having my son home for any occasion, but it's harder for his kids. The best gift would be to have him walk through the front door and say Merry Christmas.



Photo by Lt. S. Robinson

A welcome surprise

Chris Deragon: It keeps me grounded to have (my wife) around. It gives me a sense of reality - that I can have a future beyond these walls. It's hope.



Photo by Lt. S. Robinson

Santa's helpers were represented by the VVG-SQ

Liberal Pot Statutes Draw Attention

By Salvador Solorio
Journalism Guild Writer

Laws criminalizing marijuana possession have been softening across the nation, and the data on the consequences are starting to come in.

In 2010, then-California Gov. Arnold Schwarzenegger signed legislation downgrading simple marijuana possession from a criminal offense to an infraction. The law resulted in arrests for marijuana possession dropping 86 percent, from 54,000 in 2010 to 7,800 in 2011, the Criminal Justice Statistics Center reported.

OTHER DRUGS

Arrests for other drugs, such as heroin, cocaine, and un-prescribed pills, declined by 23 percent among youths in 2011 from 2010, a rate falling four times faster than for adults (down six percent), the report said.

Whites were the only racial group to show an increased rate of drug arrests. African Americans were still twice as likely to be arrested for drugs (including 2.6 times more likely for marijuana possession) than whites. The report notes whites are now the second-most drug-arrest-prone race, with levels higher than for Latinos and Asians.

IMPACT ON CRIME

Marijuana reform does not appear to have affected other crimes, the report concluded.

More than three-fourths of California's dwindling marijuana possession arrests are now under the age of 18, up from one-third in 2010, the report said.

Last November, Washington state and Colorado also dramatically changed their marijuana laws, legalizing possession of the drug for people aged 21 and over.

The states expect to reap some \$600 million annually in marijuana tax revenues for schools, roads and other projects, reported Rolling Stone.

"This is the beginning of the end of prohibition," said Norman Stamper, a former Seattle police chief who campaigned for legalization.

"This is the beginning of the end of prohibition"

Ethan Nadelmann, executive director of the Drug Alliance, called the Washington and Colorado initiatives passage "a watershed moment."

"People are standing up and saying that the drug war has gone too far," he said.

In Seattle, the mayor, city attorney and every member of

the City Council supported the initiative to legalize marijuana use.

But according to Mike Males of the Center on Juvenile and Criminal Justice, California's downgrading of marijuana possession to an infraction "is likely to prove much more effective in reducing simple marijuana arrests than Washington's and Oregon's marijuana legalization initiatives passed this year."

Because those under 21 will continue to be arrested for marijuana possession, arrests in those states will fall by less than 50 percent, Males notes.

FEDERAL OPPOSITION

Further, despite the voters' decisions, the Obama administration has shown no sign of backing down on its full-scale assault on pot growers and distributors, reported Rolling Stone magazine.

President Obama pledged to go easy on medical marijuana, now legal in 18 states.

However, Rolling Stone said the Obama administration launched more raids on state-sanctioned pot dispensaries during than did former President George W. Bush. The federal government "has threatened to prosecute state officials who oversee medical marijuana as if they are drug lords," the magazine said.

FEDERAL DEA

"Enforcement of the Controlled Substances Act remains unchanged," the federal Drug Enforcement Agency announced in November.

At a congressional hearing, DEA chief Michele Leonhart, a Bush appointee, refused to concede any distinction between the heroin and pot, reported Rolling Stone. "All illegal drugs are bad," he said.

Report: CDCR Complaint Process Leaves Some Prisoners in the Dark

By Kevin D. Sawyer
Journalism Guild Writer

California has overhauled its handling of prisoner appeals in response to numerous complaints, but key problems remain unaddressed, according to a report by the Office of the Inspector General.

In a letter to then-CDCR Secretary Matthew Cate, the IG said the appeals process lacks an "accountable means of verifying that appeals are made."

The September 2011 report also said prison appeals coordinators "do not provide inmates with information necessary to resubmit a rejected appeal." Also, "rapid implementation of the revised appeal process caused confusion," the IG concluded.

The report also found that inmates do not trust correctional

employees to appropriately safeguard their appeals.

One recommendation made by the IG is for the CDCR to create a direct method for appeals staff to collect inmate appeals, instead of correctional staff. San Quentin prison has responded by placing green inmate appeals box throughout the prison. Only appeals staff are able to unlock these boxes to retrieve inmate appeals.

The CDCR enacted emergency regulations in January 2011 to overhaul its appeal process, after the IG reported receiving 156 complaints in 2010 concerning "allegedly lost, stolen, misplaced, or unanswered appeals."

That year, 148,896 appeals were submitted in California prisons, 75,146 of which were accepted and 73,750 of which were rejected, according to the IG. The volume was "at levels that

could at any time overwhelm a system increasingly constrained by fiscal and resource limitations," said the CDCR in its Initial Statement of Reasons for enacting emergency regulations to streamline the process.

The Sacramento Bee reported in August 2010 that Gene Cervantes, a former prison official who left corrections in 2007, said there is "a pattern of abuse by inmates and a pattern of abuse by staff." Cervantes blamed it, in part, on lax staff training.

Cervantes said, "Some inmates make a practice of trying to bury officials in appeals," reported the Bee, adding, "If both sides abuse the system, the party with the power tends to win."

The report, *CDCR'S Revised Inmate Appeals Process Leaves Key Problems Unaddressed*, can be found at: www.oig.ca.gov.

Wellness Corner

By Kris Himmelberger
Staff Writer

Depression affects millions of people each year, but hits prison inmates especially hard during the holidays, says Dr. Ruth Bertrand, a San Quentin psychologist.

Depression is also described as feeling down or blue for a prolonged period of time. A Non-Violent Communication facilitator who goes by the name of Renee said the blues occur "when needs are not being met."

One of the needs that often go unmet is connectedness. As people are decorating their homes, shopping for presents, and gathering with family and friends, fond memories arise. It's like "the whole world is happy, but you," says Renee.

Unable to reconnect, thoughts are intensified and the blues set in. If we continually dwell on the inability to reconnect, a change in the brain's chemistry occurs, Renee said. This change is referred to as depression.

Depression can be triggered by a multitude of things, she said. It could be a death in the family, loss of a child, divorce, or any number of things. General expectations that go with the Christmas season often trigger symptoms, including:

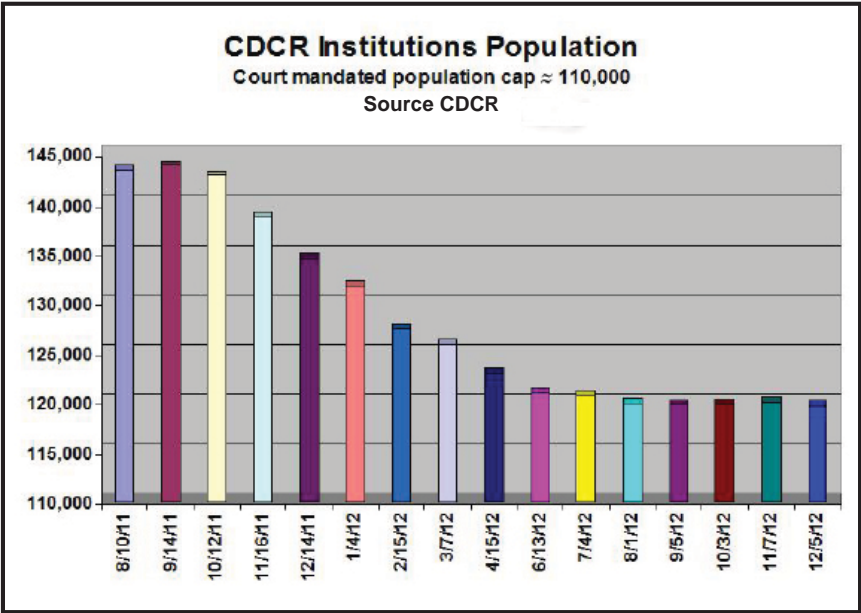
- Apathy, lack of interest in seasonal activities.
- Low energy and avoidance of exercise and physical activity
- Feeling alone and the sense that "everyone else is enjoying the season but me."
- Difficulty sleeping or wanting to sleep all the time, decreased appetite.
- Intensified feelings of loss for those who have died or are absent from one's life, separation from family.
- Anger and agitation about not being able to celebrate in the way one imagines others are doing..
- Excessive rumination about memories and events, both good and bad, from an earlier time.
- Difficulty with anniversaries that occur during the holidays such as birthdays, losses, dates related to one's crime, arrest, and coming to prison.
- Decreased sense of meaning and value in everyday life which may result in impulsive or rash behavior.
- In the most severe instances, people may develop thoughts of suicide.

Whether you are incarcerated or not, if you are alone during the holidays and feel you are coming down with the holiday blues or depression there are several things you can do, suggests Dr. Bertrand.

Focus on what you can do to honor the season in our own personal way, she said: a gift can be kindness, a conversation, or time spent with someone. Things that come from within are often more valuable than any item from a store.

Bertrand also recommended avoiding spending too much time in your cell, as activity and exercise are important to one's mental well-being.

You can reach out to a friend, relative, or professional. Asking for help is not a sign of weakness; it's a sign of strength.



Phone Monopolies Score Profits

SELECT CORPORATIONS CHARGE PRISONERS INFLATED RATES TO CALL HOME

By Kevin Sawyer
Journalism Guild Writer

A new report details how several corporations are driving prices up and increasing their profits, while monopolizing the state prison telephone industry. Global Tel*Link (GTL), Securus Technologies, and Century Link have exclusive control over prison phone service in states where 90 percent of incarcerated people live. Of the three prison phone service providers, GTL is the largest, holding contracts in 27 state correctional departments, according to the report. "Prison phone companies are awarded these monopolies through bidding processes," said

Drew Kukorowski of Prison Policy Initiative. According to the report, consumers have no input in the bidding process, making the prison telephone market "susceptible to prices that are well-above ordinary rates for non-incarcerated persons."

KICKBACKS

Every state, except eight, have contracts that are written to include a promise to pay "commissions" to states, which in effect are kickbacks. States either receive an up-front payment, a percentage of the revenue, or some combination from each. "The prison telephone market is structured to be exploitative because it grants monopolies,"

the report said, adding, "these state-sanctioned monopolies prey upon people who are least able to select alternative methods of communication." Prison phone companies, and prisons, justify over-pricing, contending that high phone rates are necessary due to the costs involved to provide security for the telephone service, like call monitoring, the report said. "Correctional departments argue that revenue from kickbacks provides for prison amenities that would otherwise go unfunded by state legislatures," the report said. According to the report, "TIME Magazine (May 26, 2009) notes that the 'notori-

ously expensive' cost of using prison telephones contributes to the demand for [contraband] cell phones in prison." A Federal Bureau of Investigations (FBI) bulletin said correctional administrators are concerned over reduced revenue from prison-approved phones, due in large part to contraband cell phones, said the report. **REGULATION** According to the report, the Federal Communications Commission is looking into the possibility of regulation that would place a price cap on long-distance prison phone rates. "Such regulation, when considered against the backdrop of the corporate monopoliza-

tion of the prison telephone market, would both reduce the price-gouging that incarcerated persons' families suffer and simultaneously contribute to the social good by reducing recidivism," the report said. The federal Bureau of Prisons has said that, "telephone privileges are a supplemental means of maintaining community and family ties that will contribute to an inmate's personal development," according to the report. The report, however, said that with the corporate consolidation of prison phone service providers, "state-granted monopolies and inelastic demand for prison telephone service has led to exorbitant rates."

Federal Prison Population Sees 10-Fold Jump in Numbers

By San Quentin News Staff

Since 1980, there has been an almost tenfold increase in the federal prison population. The current population is about 218,000 offenders and growth is expected to continue, according to a new report. In 2011, the population grew by 7,541. By the end of 2013, there will be about 11,500 additional offenders in federal prisons, according to a new report

by the Urban Institute's Justice Policy Center. Overcrowding, sentencing disparities, cost-effectiveness are of particular concern in operating the federal prison system, the report finds. The 2013 fiscal year budget allocates \$6.9 billion for the federal prison system — \$278 million more than 2012 and more than 25 percent of the budget for the Department of Justice. The report said if

present trends continue, the BOP will consume 30 percent of the DOJ budget by 2020. "In these fiscally lean times, funding the expanding [Board of Prisons] population crowds out other priorities," the report said. The report found that the primary drivers for the inmate population are "front-end decisions about who goes to prison and for how long." From 2000 to 2010, the num-

ber of sentenced offenders increased by about 40 percent, primarily from immigration charges. More than half of the population is drug offenders, and 15 percent are people who violated probation or parole. The report makes several recommendations for slowing population growth, including reducing the length of sentences, particularly for drug offenders, and improving community cor-

rections to reduce recidivism and parole and probation violations. In the federal prison system, a minimum-security prisoner costs about \$21,000 annually to incarcerate. Low-security offenders cost \$25,378 each; medium-security \$26,247; and high-security \$33,930. In comparison, each Californian prisoner costs more than \$50,000 per year, costing the state \$8.6 billion per year.

Poll Finds Americans Favor Life Imprisonment

By Charles David Henry
Staff Writer

A slim majority of Americans favor life in prison over the death penalty for murders, a recent poll disclosed. The margin was 50 to 48 percent. Even though the number of states carrying out capital punishment has decreased, the number of executions in the country remains constant, a report shows. "Capital punishment has become marginalized and meaningless in most of the country," said Richard Dieter, executive director of Death Penalty Information Center and author of a report that predicts more efforts will be made to eliminate capital punishment in the future. Only nine states carried out executions in 2012, putting 43 men to death with lethal injection. Texas led the nation with 15 executions; Arizona, Oklahoma, Mississippi and Texas accounted for three-fourths of men put to death in 2012. According to Dieter's report, "fewer states have the death penalty, fewer carried out executions, and death sentences and executions were clustered

in a small number of states. It is very likely that more states will take up the question of death penalty repeal in the years ahead." Polling researchers believe that many Americans want to abolish the death penalty. But CCN polling director Keating Holland said his analysis shows "a difference between thinking the government should have the death penalty as an option and actually wanting to see it applied." Southern states such as Alabama, Georgia, Louisiana, Missouri, North Carolina, South Carolina and Virginia traditionally support the death penalty. No one was executed in any of those states in 2012. Bill Mears of CNN reported that there is a "growing number who believe that at least one person in the past five years has been executed for a crime that he or she did not commit." California voters decided to keep the death penalty in November. However, Dieter predicts a "fresh effort on the death penalty" will be forthcoming. It is more likely that states will make an effort to repeal it in the future.

BOOK REVIEW

Tolstoy's Insight Into Death and Dying

LOOKING INTO A MAN'S INNERMOST THOUGHTS

By Juan Haines
Managing Editor

Condemned people, lifers, and those with long prison sentences can easily relate to the protracted demise of the main character in Leo Tolstoy's *The Death of Ivan Ilyich*. Ivan Ilyich's death from a seemingly insignificant fall was neither sudden nor believable to him, his friends or family. The months it took him to accept he was dying created the tension in this novel. Tolstoy "took a man to the brink of having to leave the world much as he had entered it, kicking and screaming," through Ivan Ilyich's anxiety-filled downfall, as he couldn't evade death. **PRISON TERMS** Similarities are drawn to the men and women confined to prison cells who don't accept that they will have to serve extremely long prison terms and will possibly die in prison. These lifers fight tooth and

nail, looking for some type of loophole that will negate what their trial has determined – guilty, sentenced to life. For all intended purposes, the life they knew is over. **FAMILY** The characters Tolstoy creates in Ivan Ilyich's wife, children and friends don't seriously consider his illness, and begin to dismiss his complaining and feelings about his injury. The family eventually laments the loss of Ivan for selfish and materialistic reasons. However, he is not truly mourned until he's dead. Prisoners who serve long sentences have an expression: "out of sight, out of mind." It means many families of lifers give up on connecting with them after decades of imprisonment. For the lifer, this feels like death. The truth in Tolstoy's novel is that Ivan Ilyich "saw that no one pitied him because no one even cared to understand his situation." Confined men and women also are largely seen through the

misunderstood eyes of the public, so empathy or sympathy is not expected. "One of Tolstoy's themes is about the inability of the dying to communicate and of the sick to remain inside the old circle of relationships," writes Ronald Blythe in his introduction to the novel. Ivan Ilyich could not understand how death could creep on him. At first, he dismissed the thought of dying as "false, unsound, and morbid." He tried "to force it out of his mind with other thoughts that were sound and healthy," Tolstoy writes. **DEATH ROW** Similarly, many people living on Death Row do not want to accept their destinies. Some even fabricate fantastic stories in order to stay alive within themselves. At the moment Ivan Ilyich accepts his impending death, he learns much about himself, his family, and his friends — as do prisoners serving long sentences, once they accept their fates.

Health & Fitness

Dr. Elena Tootell
San Quentin Chief Medical Officer

Influenza (“the flu”) has recently arrived in Marin County, and it’s occurring in congregate living settings and in other places where people live in close quarters.

What is influenza?

It’s a virus that causes respiratory symptoms such as a fever, headaches, chills, body aches, runny nose, and sometimes a sore throat and or coughing. It is different from a regular cold, which usually only lasts a couple of days and presents mild symptoms. Influenza causes a fever and people feel very sick and are often confined to their beds.

How is influenza transmitted?

If someone infected with the flu coughs or sneezes, the virus will become airborne and a non-immunized person who inhales the infectious air can become sick. They don’t have to be near the person who coughed or sneezed: If somebody with the flu coughs or sneezes on one of the rails in the blocks, and another person touches it and then touches his own mouths or eyes, he can get the flu from the other person.

Who is susceptible to the flu?

Almost half of the inmates at San Quentin have not been immunized and can get the flu. This year’s vaccine is particularly effective at preventing the current season’s flu.

Who is at risk of death?

Certain people are at higher risk of death than others, such as people with asthma, the elderly, and people with cancer, diabetes, heart disease, and HIV. Every year thousands of people in the U.S. die from the flu. Although the disease is highly preventable by vaccination, it is one of the top 10 causes of death in the U.S. If inmates, visitors or staff get sick, they can transmit it to babies, who are not immune and could die. Pregnant women are also at risk of death if they get the flu.

How will it arrive at San Quentin?

Through reception center inmates, staff, visitors and volunteers. The flu has an incubation period of one to four days; the average is two days.

People who care about the health of the inmates will get vaccinated.

What are the common side effects of the vaccine?

The most common side effect is a sore arm and maybe a low fever or achiness. This is not the flu; it’s your immune system doing what it was designed to do. For one or two days you might be feeling a little under the weather, which is far better than getting the flu and being bed-ridden for two weeks.

What are the chief concerns about the flu vaccine?

The most frequent concerns are that the vaccine will make people sick or give them the flu. However, this is not true. Occasionally, people get the flu after they get the vaccine, but this is likely because that person was exposed to the flu after they were vaccinated but before the vaccine took effect (it takes about two weeks after vaccination for the body to build up sufficient antibodies). Another possibility is they were exposed to a non-flu virus or a different strain of the flu: The vaccine protects against the three most serious strains of the flu, but not all, and it’s not 100 percent effective. However, the vaccine will prevent serious illness and hospitalization.

-Nurse Allyson Tabor contributed to this article-

Federal Health Care Provides Needed Services to Parolees

By Emile Deweaver
Journalism Guild Writer

Former Californian prisoners are gaining much-needed access to medical care, thanks to the state’s expansion of Medicaid, according to a National Public Radio report.

Health insurance is often difficult for ex-offenders to come by, as many have difficulty finding full-time employment. Their situation is also made more dire because they struggle with higher rates of chronic conditions like high blood pressure, diabetes, and asthma.

“It’s from living a hard life,” said Dr. George Pearson to NPR. “But, it’s also because they have common medical problems that go untreated. So the hypertension becomes heart failure, the diabetes becomes diabetic neuropathy, amputation, and blindness.”

Pearson said that a 45-year-old ex-offender often has the ailments of someone 55 years old.

The Affordable Care Act includes an expansion of Medicaid that could cover millions of low-income Americans, including those who have been incarcerated.

The Medicaid-like program covers preventative care, prescription drugs, specialty visits, mental health and substance abuse, the report states. Researchers say if these health issues go untreated, offenders could end up right back in prison or jail.

Mental health problems and drug addiction significantly influence criminal conduct, said Lenore Anderson, director of Californians for Safety and Justice.

One in six people in jail had some form of mental illness, according to a 2009 survey by the National Sheriffs Association. Officials estimate 50 to 75 percent of clients in Los Angeles County’s Adult Day Reporting Center have mental health problems. Moreover, 58 percent of California prisoners show symptoms of drug dependency, Anderson reports.

Nine out of 10 people in jails have no insurance to pay for it, according to Community Oriented Correctional Health Services.

Increasing treatment for behavioral health disorders before or upon release will more likely stop cycles of crime, said Anderson.

Health Professionals Provide Valuable Instruction During Two-Day Workshop

By Angelo Falcone
Journalism Guild Writer

The San Quentin peer-education group Centerforce received support from two Bay Area experts in providing more health-related help to prisoners.

Sandra Herrera and Linda Dobra visited Centerforce for two days to participate in a bilingual hepatitis workshop and to learn more about the Peer Health Education Program at San Quentin.

“The classes given by Centerforce here at San Quentin are excellent,” said Herrera. “I am very impressed with the program offered to the men.”

Herrera works with the HIV Prevention Program in Marin County’s Health and Human Services Department. She started

in the field with the Napa Valley AIDS project, training youth to help their peers. She also worked for the Napa Emergency Women’s Services as a domestic violence counselor.

Herrera works alongside Dobra as an HIV and Hepatitis C counselor and Spanish interpreter at the STD clinic for M.A.I. (Minority AIDS Initiative) and for M.A.P. (Marin AIDS Project).

OTHER LOCATIONS

The Centerforce Peer Health Education program at San Quentin is also offered at the Central California Women’s Facility and at Valley State Prison. Trained peer health educators serving time at these institutions work to raise awareness, provide edu-

cation, and serve as a resource for other incarcerated people on health issues such as hepatitis, HIV/AIDS, sexually transmitted infections, tuberculosis, substance abuse, and child support.

Centerforce has been providing peer health education at San Quentin for more than 20 years, said Dr. Julie Lifshay, manager for Centerforce Health & Special Projects. “Our aim is to provide factual information important for people who live here and their families. Centerforce supports other organizations to do the same work in the incarcerated settings in which they work. We provide trainings and materials to other organizations so that as many people and communities can benefit from these programs as possible.”

Nebraska’s Prison Population on the Rise

Due to a growing number of prisoners, Nebraska is proposing to reverse last year’s prison cutbacks.


Officials are seeking \$5 million to hire new staff and reopen the Omaha Correctional Facility, which was closed after 2011 budget cuts. The state had also eliminated 70 full-time prison jobs.

“While (the department) was able to temporarily close this unit, it cannot remain closed and unoccupied with the increased inmate population,” department officials wrote in a budget request.

The number of prison admissions rose in 2012 from 2,874 to 3,047, The Associated Press

reports. In 2010, the average daily population in Nebraska’s prisons was 4,462. The number grew to 4,609 in fiscal year 2012, according to the department.

The growth in prisoners is attributed to longer sentences, which translates to fewer releases offsetting new arrivals.




Is It a Cold or the Flu?

Symptoms	Cold	Flu
Fever	Rare	Characteristic, high (102-104°F); lasts 3-4 days
Headache	Rare	Prominent
General Aches, Pains	Slight	Usual; often severe
Fatigue, Weakness	Quite mild	Can last up to 2-3 weeks
Extreme Exhaustion	Never	Early and prominent
Stuffy Nose	Common	Sometimes
Sneezing	Usual	Sometimes
Sore Throat	Common	Sometimes
Chest Discomfort, Cough	Mild to moderate; hacking cough	Common; can become severe
Complications	Sinus congestion or earache	Bronchitis, pneumonia; can be life-threatening
Prevention	None	Annual vaccination; antiviral medicines—see your doctor
Treatment	Only temporary relief of symptoms	Antiviral medicines—see your doctor

April 2001

From the National Institute of Allergy and Infectious Diseases



EDITORIAL

The Turnaround State? Does California Have One of the Finest Prison Systems in the Nation?



File photo

By [Jonathan Simon](#)
Professor of Law
University of California,
Berkeley

Gov. Jerry Brown has combined leadership on reducing California’s bloated prison population with relentless attacks on the courts, whose orders have made that badly needed “re-alignment” politically possible. Still, even I was surprised by the air of unreality to the governor’s dual press conference on Jan. 9 (backing up the state’s legal filings seeking an end to the federal court oversight of California’s prison health system), and a respite from its prison population cap. ([Listen to the California Report’s coverage.](#))

“We’ve gone from serious constitutional problems to one of the finest prison systems in the United States. Most of the people get far better care for mental health problems or physical well being inside prison than they’ll get when released on the streets.” ([Cecilio Padilla’s reporting on Fox 40.](#))

The state’s main correctional problem now, according to the

governor, is the court’s oversight and lawyers.

While acknowledging court intervention had forced vast improvements to a system that was in crisis, Brown said overly intrusive judges had unleashed a feeding frenzy of highly paid attorneys “running around the prisons looking for problems.” ([Paige St. John in the LA Times.](#))

I have not had time to read the state’s legal filings (almost done grading, almost) but these claims are remarkable and possibly outrageous. First, let’s remember the context. Judge Thelton Henderson put the state’s prison health care system in receivership in 2005, finding that after three years the state had accomplished very little toward a settlement agreement for improving health care and that a prisoner a week was dying of unmet medical needs.

POPULATION CAP

In 2009 a three-judge court ordered the population cap, finding that chronic hyper-overcrowding (with many units housing 300 percent of their already optimistic design capacity) was exacerbating the medical and mental health problems and making improvements impossible.

Then Attorney General Brown appealed to the U.S. Supreme Court. In [Brown v. Plata](#) (he was now governor), the U.S. Supreme Court upheld that order against all the same arguments the governor is once-again making. Describing the lack of health care as approximating “torture”

in its significance, Justice Kennedy wrote:

“Just as a prisoner may starve if not fed, he or she may suffer or die if not provided adequate medical care. A prison that deprives prisoners of basic sustenance, including adequate medical care, is incompatible with the concept of human dignity and has no place in civilized society.”

CONSTITUTIONAL PROBLEMS

The evidence in the record, what Gov. Brown calls “constitutional problems,” included the following profiles of medical failure:

“California’s prisons were designed to meet the medical needs of a population at 100 percent of design capacity and so has only half the clinical space needed to treat the current population. ... A correctional officer testified that, in one prison, up to 50 sick inmates may be held together in a 12-by 20-foot cage for up to five hours awaiting treatment. The number of staff is inadequate, and prisoners face significant delays in access to care. A prisoner with severe abdominal pain died after a five-week delay in referral to a specialist; a prisoner with ‘constant and extreme’ chest pain died after an eight-hour delay in evaluation by a doctor; and a prisoner died of testicular cancer after a ‘failure of M.D.s to work up for cancer in a young man with 17 months of testicular pain.’”

We can all hope that conditions like this are a thing of

the past in California. The fact that they persisted in the state for at least a decade is an utter disgrace that calls for investigations and accountability, rather than euphemisms and attacks on the courts. But the very tone of the governor’s remarks is good reason to hope the courts will not relinquish oversight.

The fact that prisoners now get better health care than they get when they return to the streets may say much more about how poor community mental and physical health care is in California’s communities of rural and urban disadvantage.

A HARSH PLACE

It is also the case that prison is a far harder place on physical and mental health than even impoverished free communities because of crowded conditions, racialized gang divisions, and systematic lack of opportunities for education or work.

The governor coincidentally also acknowledged successful treatment for prostate cancer, describing himself as “raring to go.” ([Read Steven Harmon’s reporting in the Mercury News.](#))

If he thinks lawyers are gold-plating our prison health care, perhaps he should demonstrate that by receiving his future cancer follow-up treatment at Folsom or San Quentin. (One can hope his outcome will be better than the young prisoner who died of testicular cancer after 17 months of reporting pain).

Is California now one of the “finest prison systems” in the

nation? A lot depends on what we mean by finest. If that means strong educational, vocational, and rehabilitation programs, that has not been true since the governor’s father was governor. Does it mean keeping the largest number of people locked up? Thanks to the courts, we have now lost that status to Texas, (but they are at least more competent managers).

The truth is California has followed a path of indiscriminate imprisonment for decades. Most of the damage was done during the 1980s under Republicans like George Deukmejian and Pete Wilson, and Democrats like Gray Davis, who committed the state to mass incarceration policies.

While Gov. Brown’s realignment policies are an important turn away from that pattern, he has yet to articulate a convincing vision of public safety. In his attacks on the courts, he suggests he does not have one.

The claim that further efforts to reduce the prisoner population to meet the court order is baseless. The reality is that California prison sentences are not based on prospective risk, and California prisons offer no serious rehabilitation programs to the overwhelming majority of prisoners.

Reducing sentences by days, weeks, or even months (all that would be necessary to meet the targets) is unlikely to alter how those prisoners will behave once released.

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Capital Punishment: One Person’s Moral Dilemma



File photo

By [Maria Telesco](#)
Contributing Writer

Death penalty or Life Without Parole – Will someone please be kind enough to tell me which of two evils is the “lesser” one? Maybe then I’ll know if I handled my moral dilemma morally, when I voted on Prop 34.

It seems strange now that when Proposition 34 first appeared on the horizon, over a year ago, it was greeted by us abolitionists with the big rah-

rah of “Oh, Goody, now we’re going to get rid of the death penalty!” I even wisecracked, “Gee, then I’ll be out of a job.” None of us, many of whom, like me, had dedicated their lives to eliminating this barbaric practice, didn’t consider what the alternative would be. In our naivety, we just assumed that all the condemned prisoners would be jumping with joy when given LWOP. Well, we were wrong.

DEATH ROW

Some residents of Death Row here at San Quentin hastened to set us straight. They told us that, in their opinions, LWOP was worse than death. They, who are facing the executioner, said they’d rather die than face LWOP in the General Population. “The other death penalty,” they call it.

My conscience didn’t want me vote for LWOP, but what other choice did I have? I voted YES on Prop 34, because my

conscience wouldn’t allow me to vote NO, which would have amounted to YES on DEATH.

Killing people who have (allegedly, at least) killed people to prove that it’s wrong to kill people serves no purpose. It’s not a deterrent, and it wastes a heap of money that could better be spent on education, medical care and other needs that would benefit society. Not to mention it’s morally wrong to kill people, regardless of what they have done.

Of course, an execution may assuage the desire of some people for revenge. Some prosecutors may tell families of homicide victims that executions will help bring closure, but family members I’ve spoken to say it didn’t happen that way; apparently the desired revenge and happiness aren’t attained by execution.

So the first question is: Why do we do it? Why is our country the only Westernized, Industri-

alized Democracy that still kills people for retaliation?

No European country has the death penalty, and their homicide rates are lower than ours. My Irish grandmother always said, “You’re known by the company you keep.” We are in the good company of Iraq, Iran, Saudi Arabia, Yemen, Rwanda and China. Many Americans criticize the legal systems of those countries, yet imitate them in use of the death penalty. Where’s the logic?

EXECUTIONS

Yet there’s no doubt that the death penalty is on its death bed. The number of executions nationwide has dwindled to where Texas executed “only” 13 in 2011 and 15 in 2012. California hasn’t had an execution since 2006, a total of 13 since 1976. So, if we’re determined to have a death penalty, then why aren’t we actually utilizing it? We, as a nation, still condemn

people to death, though fewer each year. Yet we persist in the notion that we must retain it. It makes no sense to me.

Why are many Americans so steadfastly devoted to capital punishment? Why does our system convey the concept that “justice” is spelled “r-e-v-e-n-g-e”? What do we expect to accomplish? Why do we seem to have a cultural love affair with the hangman?

It saddens me to say that I don’t believe we will ever find a way to eliminate capital punishment once and for all until we can thoughtfully answer the foregoing questions and figure out why we think killing people is a solution to crime. I won’t hold my breath.

Maria Telesco is a retired registered nurse, teacher, forensic investigator and free lance writer who has dedicated her adult life to ending the death penalty, thus far unsuccessfully.

Asked On The Line

Pondering the Future: What Would You Do?

By Angelo Falcone
Journalism Guild Writer

Looking ahead 10 to 20 years, what's the first thing you would do if you had the energy, time and resources?

That question was posed in 21 informal, random interviews in San Quentin. Included were 16 men in blue, three outside volunteers in the Prison University Project and two outside volunteers with the Marin Literacy project.

After leaving prison and discharging their parole, many are interested in starting their own businesses.

"I would start my own company in technology," said Larry

Histon. "It would give me an opportunity to live a good lifestyle and give back to my community."

Thao would open up a resort in Thailand, Orlando Harris would start a lawn service and then a landscaping company, and E. Phil Phillips would go into the music business.

"I would start a record label and start it out with my own music," said Phillips.

Others want to focus on personal interests, involving family and leisure. John Holmes would travel to Denmark, Brigido Mariscal would go back to work to put his kids through school and college, and Enrique Gabriel would visit his mother's tomb.

Some of the men in blue say they would engage in altruistic activities involving social service, faith, or advocacy for reform. Michael Fields said he would "work to help those who are less fortunate" than him.

David Basile would reach out to at-risk youth. "I would start a youth-mentoring program in L.A. through Homeboy Industries and L.A. Kids on a Mis-

sion. I am networking with them now," Basile said.

Rafael Calix said, "I would eat a vegetarian diet, organically, and become an advocate for organic farming to end the disparity of governmental support of chemical farming, which causes more health hazards than alcohol and tobacco combined."

Trenton Capell would go into the missionary field and preach the Gospel.

Terrell Merritt said he would be an advocate for those that live on the margins of society. "The way to tell the success of a society is in how they treat the people in the margins, and I would like to be their voice because I

have been in their shoes," Merritt said.

All five volunteers interviewed said they would volunteer even more than now. Sue Pixley of Project REACH said, "I would probably teach more math. I would continue to teach pre-calculus at the university where I work, and I would continue to volunteer for Project REACH."

All three PUP teachers would continue to volunteer as teachers or tutors for the San Quentin college program.

Two expressed interest in personal activities. "I would like to start a family," said Steve Weber, a math tutor. Rachel Walsh said, "I would go out and have adventures."

“...work to help those who are less fortunate...”

1. CORCORAN — Last fiscal year, the California State Prison's Visions Adult School graduated a record number of 125 students, who earned General Education Development certificates, reports CDCR News.

2. SHELBY COUNTY, Tenn. — The county and U.S. Justice Department signed an agreement intended to keep low-level offenders out of jails and prisons, and instead send them to rehabilitation programs closer to their homes. "We're hoping our agreement will serve as a template for other jurisdictions," said Tom Perez, an assistant attorney general in the Justice Department.

3. LOUISVILLE, Ky. — Kerry Porter was exonerated of murder after serving 14 years in prison. Porter was released in 2012. He has filed a lawsuit claiming that Metro Louisville and eight police officers fabricated evidence, used improper identification procedures, and hid evidence that would have cleared him. He was convicted of a 1996 murder, reports The Associated Press.

4. WASHINGTON — Santae Tribble was granted a certificate of innocence after spending 28 years in prison for a murder he did not commit, reports The Associated Press. Tribble, 51, was convicted in 1978 when an FBI agent testified his hair matched one on a stocking mask used by the killer of a taxi driver. The judge's order read there is "clear and convincing evidence" Tribble did not commit the murder.

5. TEXAS — In 2011 the state began to change its Juvenile Justice Department in an attempt to keep juvenile offenders closer to home for treatment. Since then, the juvenile prison population dropped from 5,000 to just over 2,000.

6. MONTGOMERY, Ala. — A U.S. District Court judge is deliberating whether the state's policy of isolating prisoners who have tested positive for HIV is



legal. South Carolina is the only other state to segregated HIV-positive prisoners.

7. HOUSTON, Texas. — Anthony Pierce, 53, spent the last 34 years on Death Row. He was convicted and sentenced to death three times for the August 1977 killing of Fred Johnson during a robbery, reports The Associated Press. An appeals court subsequently overturned his sentence. Prosecutors say they will not seek another death sentence. Pierce is innocent of the charges, according to Robert Loper, his attorney.

8. MARIN COUNTY — State officials are giving county officials high marks for how they are handling low-level offenders diverted from the state's prison system to county facilities. The county program coordinates the probation department, sheriff, district attorney, public defender, court and health department staffs as well as Novato police. Officials have developed ways to help offenders, assisting them

with housing and jobs and providing in-custody treatment for mental health and drug dependency, reports the Marin Independent Journal.

9. SACRAMENTO — The rate of prisoners committing new crimes after release has continued to drop, reports state corrections officials. The three-year recidivism rate peaked at 67.5 percent in 2008. The new report shows a recidivism rate of 63.7 percent in 2011. The report shows that there is still a problem with the issue of "revolving-door criminals" in California as the recidivism rate among those with two or more prison stays is more than 75 percent.

10. COLUMBUS, Ohio — Gov. John Kasich commuted the death sentence of Ronald Post to life without the possibility of parole, according to The Associated Press. Post was convicted of the 1983 shooting death of a motel clerk during a robbery. Kasich's decision relied on a recommendation by the state pa-

role board, which said it did not question Post's guilt, but says there were too many problems with how his lawyers handled the case, the AP reports.

11. SACRAMENTO — California prison officials plan to cut health care workers in early 2013. Notices went out to 2,200 workers with the intent of cutting 829 jobs beginning March 31, 2013. The layoffs are the result of a reduced prison population brought on by realignment.

12. MENDOCINO COUNTY — Realignment of non-violent offenders to the state's county jail system shrunk the amount of prisoners available for fire crews. The California legislative analyst has suggested the state assign higher risk prisoners to fire crews to relieve prison overcrowding. Fire camps are currently operating 16 percent below capacity.

13. HARRISBURG, Pa. — Thanks to bipartisan legislation, the state's prison system has been reformed by moving

prisoners out of "state prisons where cost are the highest, and help them become productive members of society," reports the Philadelphia Inquirer. "It's about time we started thinking a little smarter about how we incarcerate people," Gov. Corbett said at a news conference. "The answer isn't always building new prisons." Over the last 30 years, prison costs have tripled, and the number of inmates has ballooned from 10,000 to 51,000, according to state figures. It now costs taxpayers an average of \$34,000 a year to house an inmate in one of the 26 state prisons.

14. VATICAN CITY — The Pope told participants of European prison conference to educate prisoners, not just punish them, reports The Associated Press. The Pope advised prison administrators to respect the dignity and rights of offenders. He said society and prisoners would benefit from better treatment.

15. SANTA CRUZ — Since realignment, about 88 people have been sentenced to the county jail who would have gone to prison, reports the Santa Cruz Sentinel. County probation is monitoring 128 more people who would have been on state parole. The county is adding at least eight more probation officers, bringing the department total to 51 officers. The average stay in county jail increased by a month to more than 13 months.

16. SANTA RITA — Disabled detainees are confined in cells without wheelchair access to toilets and showers, reports the San Francisco Chronicle. A lawsuit filed in Alameda County Superior Court claimed the conditions are unconstitutional. The lawsuit also alleged that wheelchairs and canes were taken away from people who need them and that detainees with certain conditions, such as sleep apnea, are restricted from rehabilitation programs that can shorten their sentence.

ARTS & ENTERTAINMENT

Snippets

Romans, at the height of their empire, populated an area roughly comparable to that of the U.S., with a total population of 70-100 million people.

Even bankruptcy could not dissuade Donald Trump. After declaring bankruptcy in 1990, he rebuilt his fortune to amass nearly \$1.6 billion.

Scotland boasts the world’s oldest golf course, St. Andrews. It has been in use since the 16th century.

On average, a person’s brain weighs half as much as the weight of their skin.

Losing 200 calories can be accomplished by swimming for 30 minutes, cross training for 22 minutes or riding a bicycle for 38 minutes.

Using 8 to 10 dips or chews of tobacco daily causes the user to ingest the same amount of nicotine as smoking 30 to 40 cigarettes a day.

The only McDonald’s restaurants that do not sell beef hamburgers are in India, where a lamb version of the Big Mac is offered to customers under the name “Maharaja Mac.”

In 2003, the creator of the renowned “Atkins” diet, Robert Atkins, died weighing 260 pounds.

On another note, a one-minute kiss uses 29 muscles and will burn 26 calories for the average person. An added benefit is that it also releases chemicals in the body that induce relaxation.

Now you know – a rabbit will click its teeth when it is happy and will grunt whenever it is disturbed or is angry with another rabbit.

Complete This Puzzle Win a Prize!



What four positive integers (whole numbers, not fractions), when multiplied together have a product that is equal to the sum of all those same integers added together?

The answer to last month’s puzzle is: 1 fifty cent piece, 1 quarter and 4 dimes; or 1 silver dollar, 1 dime and one nickel.

Congratulations to: Patrick Flynn and William DeConter for winning last month’s puzzle.

Congratulations to: Bernie Castro, Prem Chand, Peter Chhem, Anthony Gallo, Leland Maes, J. Moss, William Robinson, Chris Schuhmacher, A. Sully, Mark Tedeschi, E. Vick, John Warren, Anthony Watkins

Rules

The prizes will be for completion of brain twister puzzles. Prizes will be given to the first two inmates who respond via u-save-em envelope to San Quentin News/Education Department. Only one entry per person.

If there are multiple correct answers, the winners will be picked by drawing two of the winning answers from a hat.

First Place: San Quentin Fitness Gray Ball Cap
Second Place: 4 Granola Bars

Prizes will only be offered to inmates with privilege group status that allows for the prize items. Inmates transferred, sent to ad/seg, or otherwise not available to claim their prize will result in forfeiture.

The answer and winner’s names will be published in the next issue of the San Quentin News.

Puzzle By Binh Vo

Sudoku

By ANTHONY LYONS

	2				3			
6			2			9		
	8	5		1		6		
9			6	2	5			
		3			4			8
	5							
		7		5	6	1		
3			7				5	4
		2				7		

9	2	1	7	4	3	6	5	8
8	4	5	1	9	6	3	7	2
6	7	3	8	5	2	4	9	1
1	3	9	5	8	7	2	4	6
7	6	8	4	2	1	9	3	5
2	5	4	3	6	9	8	1	7
5	9	6	2	1	4	7	8	3
3	8	2	9	7	5	1	6	4
4	1	7	6	3	8	5	2	9

Last Issue’s Sudoku Solution



Book Review

By Randy Maluenda



THE THINGS THEY CARRIED (By Tim O’Brien) *Enthralling story collection of soldiers in Vietnam, mixing everyday mudane with poetic poignancy to evoke moving images in a terrible war.*



THE CRIMSON PETAL AND THE WHITE (By Michel Faber) *Victorian-era prostitute excells while she pens horrifying revenge fantasies in her spare time in this somewhat overlong work.*



THE CRUCIBLE (By Arthur Miller) *Religious bigotry drunk with hysterical lies force spineless government to persecute the innocent in this classic play.*



THE PORTRAIT OF A LADY (By Henry James) *“Smart” girl’s entrancing journey from choosing badly to ending hauntingly.*



OVER HEXED (By Vicki Lewis Thomson) *Complications ensue when two witches are “sentenced” to assisting the love lives of morals.*

RATINGS:

Top responses are four ribbon progressing downward to one:
Responses which are two or less are not recommended reading.

POETRY CORNER

A Poet's Words

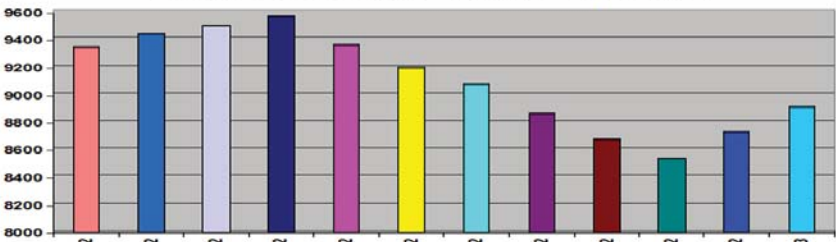
By Joseph Mitchell

Like a resurrection	But a poet is a master wordsman
A poet’s words arise.	
Hand stained parchment	Who has honor in his craft.
Ink, lead, or blood	He would never, in good conscience,
Formulated strategically	Pass off a forgery.
One word at a time.	A poem is truest to form
Hand strokes,	When it stands the test of Time.
Stops, corrects.	
You the lover of poetry	Like the greats before him
Must be moved to	A great poet is recited
Smile, tears, anger,	Around the world like
Love, hope, desire,	sacred scriptures.
Or the poet has not fulfilled	So yes...,
His debt to you	A poet owes
Yes, debt!	Every lover of poems
Any man can write nonsense.	A debt of a Master piece.

Correction

In the photo of veterans passing out toys on Page 9 of the December 2012 edition, Gary Cooper was incorrectly identified as D. Tarvin. Additionally, David Basile was identified as the SQUIRES Chairman. He should have been identified as the Public Relations Director.

CDCR Out-Of State Prisoner Population





JANUARY							FEBRUARY							MARCH						
SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT
		1 <small>New Year's Day</small>	2	3	4	5						1	2						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16
20	21 <small>M. L. King Jr.</small>	22	23	24	25	26	17	18 <small>President's Day</small>	19	20	21	22	23	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28			24 31	25	26	27	28	29	30
APRIL							MAY							JUNE						
SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT
	1 <small>Good Friday</small>	2	3	4	5	6				1	2	3	4							1
7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8
14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
28	29	30					26 <small>Memorial Day</small>	27	28	29	30	31		23 30	24	25	26	27	28	29
JULY							AUGUST							SEPTEMBER						
SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT
	1	2	3	4 <small>Independence Day</small>	5	6					1	2	3	1	2 <small>Labor Day</small>	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	9	10	11	12	13	14
14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21
21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	24	25	26	27	28
28	29	30	31				25	26	27	28	29	30	31	29	30					
OCTOBER							NOVEMBER							DECEMBER						
SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES	WED	THUR	FRI	SAT
		1	2	3	4	5						1	2	1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14	15	16	17	18	19	10	11 <small>Veteran's Day</small>	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25 <small>Christmas Day</small>	26	27	28
27	28	29	30	31			24	25	26	27	28 <small>Thanksgiving</small>	29	30	29	30	31				



Prison.edu:

On the Most Effective, Underfunded College System in the US

By Colin Asher

September 14th, 2012

THERE IS A COLLEGE in California whose campus, if it can be called that, consists of a few portable trailers. Classes are also taught inside a converted laundry facility whose walls don't reach the ceiling, where learning happens despite the din created by dozens of men in adjacent rooms vying for their teacher's attention. The school is called the Prison University Project (referred to affectionately as 'PUP' by students and instructors alike). It teaches 20 classes a semester and has a total enrollment of under 400 students.

The campus is housed within San Quentin State Penitentiary, also home to California's death row and to a reception center where new inmates are categorized and sorted by race and security level. Most prisoners then enter the general population at San Quentin, but some are sent to one of the state's thirty-two other prisons. Those who don't stay miss their chance at a college education, because no other prison in California offers one.

No one expects much of California's prisoners. Many of them have been locked up before. They “want to be called *convicts*, emphasis on the con,” a former PUP student told me about his fellow inmates. “Some might say this is not their first rodeo.” Chances are, they will be incarcerated again. Seventy percent of the state's inmates are arrested within three years of their release. And so, no one expected much of Leonard Hutton when he left San Quentin in 2008.

Hutton was convicted of a crime in Marin County. Normally, prisoners are paroled to the area their crime was committed in but Hutton's parole was transferred to Santa Rosa, a mid-sized city in the middle of wine country, 55 miles north of San Francisco. He had never been to Santa Rosa, and knew no one who lived there. He was 37 at the time, a multiple felon with a history of drug use and no marketable skills. His family was in Oakland, and the idea of beginning a new life alone in a strange city was terrifying. It would be easier to “start running from the gate,” he thought.

Violating the terms of his parole would have fit the pattern of Hutton's life neatly — from the age of 17 until his release he was rarely out of the state's custody — but that was not the decision he made. The few classes Hutton took with PUP “helped me reflect on what I had been doing with myself,” he says. Rather than following his gut instinct, sprinting the moment he heard the prison gate snap shut behind him, he played by the rules. He found a transitional living facility in Oakland that was willing to accept him, contacted his parole officer and requested a transfer that, to his surprise, was approved.

Oakland, a city of 400,000 just southeast of San Quentin, is an unlikely stage for a redemptive second act. When Hutton arrived in 2008, the city had the country's fifth highest crime rate, and almost two in 10 residents lived in poverty. But it was familiar to him; his son was there, and so was the community college where he planned to continue his education.

Laney College is a colorless Lego Land, built in a style best described as Soviet Modern. It has no manicured lawns, just expanses of concrete punctured by weather-beaten, sporadically placed trees. There is little about the place that inspires striving, or brings to mind thoughts of a brighter future. A sign made of green neon tubes bent to spell the college's name in loose script hangs from the tallest of the campus's tomb-like buildings. Despite the school's shortcomings, Hutton was happy to begin attending, because enrolling at Laney allowed him to continue identifying as a student, which has had a profound effect on his life. For the first time since he was a teenager, Hutton is off parole and not using drugs.

When I arrive for our interview, I find Hutton bent over a keyboard in the office of Laney's student government, a body he is a proud member of. He is composing an email appeal to fellow students, urging them to protest funding cuts recommended by the college district's Board of Governors in response to California's budget deficit. Hutton's missive includes a link to a video clip of an interview he gave a local TV station during a protest the night before. Proud of his 15 seconds of fame, he plays it for me.

A reporter, standing in front of a banner held by protesters, asks Hutton what he would be doing if he wasn't in school.

"I'd be doing some things that aren't acceptable," Hutton says, and looks into the camera. The hint of a mischievous smile dances across his lips.

Finished at the computer, Hutton leans heavily into his chair, folds his hands across his stomach, and we talk.

Hutton is a large man, with a round face and ink-black hair pulled back and held in place by a series of rubber bands. He has the sort of luck that requires everything in a person's life go wrong just before — tottering at the edge of a chasm — they're thrown a rope. Like many people with that type of luck, he is more optimistic about his future than circumstances justify.

Within a year or so he will be finished at Laney, he says, and then he'll transfer to a four-year school, San Francisco State University, maybe Cal State East Bay, and earn a degree in computer science. Then he wants to do something with computers that will "bring in 60." Maybe he'll be a systems administrator. These plans are a stark contrast to his past expectations for himself.

"I was raised on the streets pretty much," he says. "Homeless since I was like fifteen. Fourteen? I got into tenth grade and never finished anything after that. So, education wasn't really a priority. I was always out doing drugs, hanging out with friends."

From an early age, juvenile facilities and local jails filled the role that schools should have filled in his life. After dropping out of high school, Hutton says he was "in some kind of correctional facility or another" until he was sent to prison in 1996. He spent two years behind the wall and came out drug-free, but not much changed. He stayed clear of the criminal justice system until parole ended and, free from the requirement that he submit to drug tests, he began using again.

"The day I got off parole, I just went right into the same stuff I was doing. I lost my job, my home, my car. All within months of starting to use drugs again."

Once using, it was a near certainty that Hutton would return to prison, which he did. In a strange way, being sent to San Quentin, rather than any other prison in the state, was the luckiest thing

that ever happened to him. If he had not ended up there, and heard about PUP, his life would likely have continued on the trajectory it was on when he was arrested. “Up until that point, I had been doing pretty-much, nothing-much,” he says. “Drugs [...] finding a way to get more drugs. That's no way to live your life.”

I ask what he thinks he would be doing if he had never begun college in prison. After a pause, he says he would never have considered going to school. He would have looked for unskilled work; with a lengthy criminal record his chances would have been dismal, even without a recession. “I don't think I would have been that successful. I probably would have been in and out of prison a couple times already. Going through PUP, it gave me some kind of goal to look forward to, something to set my sights on,” he says.

As a high school dropout with a GED he earned during an earlier incarceration, Hutton was about average when he returned to prison in 2006. The Bureau of Justice Statistics conducted a national survey in 2003, which found that 40 percent of state prisoners had less than a high school education and 28 percent had only a GED. As one former PUP student put it to me, his classmates “were failed by the system long before they did anything illegal.” Being no farther behind than anyone else, Hutton didn't feel there was any stigma attached to beginning the remedial courses that are the default for all new PUP students.

While we talk about Hutton's course load, Jabari Aali Shaw walks into the student government office. His son, Amiri, a cherubic 2-year-old with short pin-thin dreadlocks, is spinning around him in crazy circles, like an off-axis moon. He stops just to the side of his father and stares at the large men above him with huge clear eyes. Shaw is there to see Hutton about the protest he's planning.

Shaw also began his college career in San Quentin. He is a thin man with a sleek, raptor-like face and a full set of gold teeth, tops and bottoms. His hair is woven into long dreadlocks that he wears pulled back. He ends his sentences abruptly, giving the impression he is certain of everything he says. While we talk, Amiri totters about the room trying to occupy himself. From time to time he tugs on his father's baggy pants and says he wants to leave. “I'm fittin' to go.” When he gets loud Shaw places a hand gently over Amiri's upturned face and the boy quiets down immediately.

Shaw's story is similar to Hutton's. He grew up here, in Oakland, and dropped out of high school. “My role models were about 30 and I was 13, and they were selling drugs, so I sold drugs,” he says. He spent several years “doing all kind of unmentionables,” during which time he was arrested for robbery, drug possession, drug sales, assault and battery and domestic violence.

“Basically, I was killing myself off. I didn't have no purpose, didn't have no wants. I didn't have no aspirations in life. So I was just running. Every day was every day. I didn't never plan for tomorrow,” he says.

Now Shaw lives his life in the future more than the present, each day engaged in pursuit of long-term goals. He is working toward a double major, in psychology and Black Studies. When he's finished at Laney, he will transfer to San Francisco State University. Once he finishes his undergraduate work, Shaw plans to apply to Ph.D. programs. Forward-looking as he is, he still carries in his wallet a prison issued ID card and an expired drivers license with a picture taken before he was sent to prison. Reminders of what he used to be. He pulls these out as we talk and tosses them on the table between us. He shakes his head gently. In each picture his face is stoic, a gaunt mask. The man in the pictures does not look like his future contains a doctorate degree.

"I'm a starving student right now, I'm walking around with no money. I know ways to get some fast money, but at the same time, you know, why would I put myself in that position?" Shaw explains that he carries the pictures with him as reminders of mistakes he has made, so he won't make them again. If he went back to his old ways, he says, he would get arrested. "Everyone gets arrested." And then he would be back where he started, "wearing some recycled underwear" and "trying to get back into that class program."

When the interviews are over and the digital recorder is off we all shake hands and stand around to talk for a while. Both men are noticeably more relaxed. Shaw smiles and places his hand on Amiri's head.

"You should have told me what story you wanted," Shaw says.

"I want the real story," I say.

"Cause I didn't want to tell you about the crushes," he says with a boyish smile. He's referring to the fact that the only non-uniformed women in the prison are the volunteer teachers. Both men were very circumspect about this subject while the recorder was on.

"No, no" he laughs. "That's not why we went to classes."

But, he admits, that is why he started attending. Someone told him that there were "real" women in class. He used the same line to recruit new students once he was committed to the program, and managed to lure in several friends that were not interested in getting a college degree.

"But when you were going, they were so nice," he says of the teachers. "So you didn't want to go to class with nothing, without doing your work."

"I didn't say that before but you can use it," he says.

"Yeah?" I ask. He nods. "Cause all the teachers I talked to said their students were very respectful. One told me she worried about getting cat-called when she was teaching at UC Berkeley more than she did at San Quentin," I say.

Both their faces go tense. "Of course. Of course," Shaw says. "If anyone ever did anything like that the other inmates would check them."

"We do check each other," Hutton says with a tired look.

□

"Feeling good about providing education to prisoners is like feeling good about dragging people out of the water when there are corpses floating all around you," Jody Lewen told me the first time we spoke. Lewen has been running PUP since 2000. She employed that graphic metaphor while encouraging me to visit San Quentin, and warning me against adopting the paternalistic tone she hears in journalism about programs that assist prisoners. The public should not be misled, she insisted; teaching twenty classes a semester is nothing. At last reported count, California was holding 133,380 people in state prisons.

Housed in a generic office complex near San Quentin, PUP's offices are Spartan. Looking through the glass front door, the space seems unoccupied. There is no sign with the group's name, no receptionist to greet visitors, and nothing on the walls of the main room. When I arrive, Lewen is getting tea from a small kitchen on her way to the conference room, preparing to stuff

envelopes with holiday cards that will be sent to the program's donors. On the front of the card, 14 grown men in cap and gown are lined up before a wood-paneled wall smiling radiantly. Inside, they have written thank-yous.

"Thanks for giving a brother some real game, something I'll be able to use when I get out," one wrote.

"May you know the joy and freedom that you have bestowed upon us," wrote another.

We settle into chairs opposite each other, with the conference table between us. Towers of cards and envelopes cover its surface. California budgeted \$10 billion for the Department of Corrections and Rehabilitation in 2011, but none of that money goes to PUP; they don't receive any federal funds either. The individual donors that will receive these cards in a few days are the group's bread and butter. I join for the next several hours in the monotonous task of slipping cards into envelopes, creating a white noise like leaves blowing back and forth across a window.

Lewen is 48, wears her hair short and speaks quickly, making her points with her hands as much as with words. She strikes me as a thoughtful, energetic academic, who has adapted to survive in a very non-academic world. College instructor for convicted felons is a rare job title, and nothing in Lewen's upbringing hinted that she would run an organization like PUP.

Raised on the upper west side of Manhattan, she spent her teenage years as "little Miss clueless private school girl," she tells me. After high school she went to Wesleyan, a small liberal arts college in Connecticut, and then left for Germany, where she earned a Masters in comparative literature and philosophy. UC Berkeley drew her to the Bay Area, and in 2002 she completed a Ph.D. in Rhetoric. Her dissertation was on "the role of imagery in feelings, particularly images of matter and space in feeling," she says. "Very esoteric and abstract."

In 1999, Lewen was at a psychoanalysis conference in Lake Arrowhead, California, where she overheard a dinner conversation about teaching prisoners at San Quentin. The next semester, she was co-teaching a communications class.

The year after Lewen started volunteering, the college's volunteer coordinator (PUP had not been founded yet) gave his two weeks notice. Lewen, still working on her dissertation, was the only person willing to take over a program that was more an idea than an organization. It was just "me in my pajamas at home," she says of the group's administrative infrastructure at the time. Since Lewen took over, the group has raised enough money to afford the office we're sitting in, and 10 paid staff.

When we first spoke, Lewen encouraged me to fly to California and observe some of PUP's classes. San Quentin would be happy to have me, she said. I accepted because prisons are famously reluctant to allow journalists in, and because PUP is an exemplar of the current state of prison-based college education, the history of which can be divided into two eras: before and after 1994. The first period was typified by federal funding and broad access, and the second by private or state funding and diminished access.

In 1994 the "War on Drugs" was 25 years old, and responsible for a million incarcerations a year. American jails and prisons held about 1.5 million people, more than triple the population before that "War" began. And the Senate passed an omnibus crime bill that, among other things, banned prisoners from receiving the federal Pell grants generally available to low and moderate income students. In a political environment in which William Weld was elected Governor of

Massachusetts after promising to deemphasize rehabilitation and reintroduce his state's prisoners "to the joys of busting rocks," the Senate's move made sense. A *New York Times* editorial criticizing some of the bill's provisions as "tough and dumb" did not even mention the discontinuation of Pell grants.

The college program at San Quentin is an extension site of Patten University, a small college in Oakland. In 1994 Patten was teaching classes inside the Deuel Vocational Institution, a state prison in Tracy, California, and recruiting new professors so they could expand into San Quentin. Without Pell grants Patten couldn't afford either program. Classes at Deuel were discontinued, and the program at San Quentin only got off the ground because an instructor offered to teach for free and to enlist other professors to do the same.

Most prison college programs weren't lucky enough to have a ready pool of qualified volunteers. Three years after Pell grants were cut, a study by the American Correctional Association found that 21 states were offering post-secondary education to prisoners, down from 37 in 1994. The programs that remained were teaching less than two percent of the prison population nationwide. "All around the state and country, programs were crashing and burning," Lewen says. "This program got started in the wake of that."

With the 1994 omnibus crime bill, the Senate was trying to get tough on crime, but they did something more akin to getting tough on criminals. In their desire to punish prisoners they cut funding to a type of program that had been shown to reduce crime.

Repeated studies have shown that receiving an education in prison reduces the chances a person will commit a new crime when he or she is released. (Recidivism refers to the relapse of released prisoners to criminal behavior.) In 2005, the Institute for Higher Education Policy published a paper entitled "Learning to Reduce Recidivism." The institute found that of 15 studies on education and recidivism conducted during the nineties, 14 concluded that participation in higher education while incarcerated reduced the chance a person would re-offend. Access to any kind of education improves a person's chances of reintegration into society. But access to college, rather than vocational education, makes the greatest difference. One study cited in the paper tracked 1,000 Ohio prisoners after their release and found that "while earning a GED or completing a vocational program did reduce recidivism, completing an associate's degree had a particularly significant impact, reducing the likelihood of re-incarceration by 62 percent."

The voting public in the years since 1994 has hardly warmed to the plight of the incarcerated, but the sheer weight of their numbers has forced some changes. In 2010 more than 1.5 million people were held in state and federal prisons, and about 750,000 in city or county jails — the largest number of prisoners in the world as a total figure and as a percentage of the population. If America's prisoners were given their own city, it would be the fourth biggest in the country: larger than Houston, just smaller than Chicago.

Locking up that many people cost almost \$70 billion in 2006 alone. States shoulder the majority of that burden (\$52 billion a year), and a few have resuscitated prison-based education in the hopes that it will save money in the long run by helping prisoners reintegrate into society, once they are released.

By the time "Learning to Reduce Recidivism" was published in 2005, prison education programs had rebounded and returned to pre-1994 levels, but, the paper says, "the types of programs available to prisoners has shifted, with the majority of those enrolled in post-secondary programs now taking vocational, rather than purely academic, courses." They found that only three percent

of prisoners were enrolled in academic programs that could lead to bachelor's or master's degrees. Which means that though education has reestablished itself in the country's prisons, Lewen's program is still outside the mainstream, a fact she is surprisingly comfortable with.

The research on prison-based college education, and the advocacy arguments that grow from that research, focus on graduation rates, dollars saved by tax payers, lowered recidivism and increased public safety. Studies published on the subject tend to contain statements like this one from a 1997 article published in the *Journal of Correctional Education*: "This study suggests that the correctional enterprise do whatever necessary to keep the public safe from recurring criminal behavior. One of the most cost-effective models to accomplish this objective is to expeditiously and efficiently assume the responsibility of educating criminals."

The terms of debate, Lewen says, are dictated by political salience. She derides them all as variations on "how can we make it easier on *us* when *they* get out." While she agrees that recidivism, public safety, and cost are important, "there's a universe beyond those issues," she says. It's well past the end of the normal workday, but we are still stuffing cards into envelopes while Lewen explains that being outside the mainstream has benefits. Because they receive no government money, the group is free to evaluate their output, and design their program, in any way they see fit.

All the evidence Lewen has to date is anecdotal, but she believes that the greatest impact the program has on its students comes when they complete their first, remedial, non-credit class. Former students are not staying free of the criminal justice system just because the education they received resulted in a well-paying job, but because when prisoners become students, they gain self-esteem and redefine themselves. She expects to find that completing even a few classes helps prevent drug and alcohol relapse, strengthens family ties, and improves mental health and social skills. If PUP only concerned itself with graduation rates, post-release employment, and cost savings to tax payers, they might miss the aspects of their mission that have the greatest effect, Lewen tells me.

Lewen is right to believe that the way she thinks about educating prisoners is outside the mainstream. It is hard to find articles that support the idea that effort and money should be expended on prisoners for the sake of educating them — bettering them — not just for the sake of cost or efficacy. When Lewen talks about her work, she sounds as if she believes in it almost as a religion. To find an echo of her sentiments, I had to dig into a text from an earlier era.

In 1927, Austin McCormick, then assistant director of the US Bureau of Prisons, was sent out to assess the capacity of existing educational programs. He toured the country, visiting nearly every prison. In "The Education of Adult Prisoners," the book he completed after his trip, he wrote, "Of all the fields in which the American penal system gives evidence of futility, education very nearly heads the list." McCormick advocated a huge investment in educational spending on prisoners, not because it was cost effective, but because, "If we believe in the beneficial effect of education on man in general we must believe in it for this particular group, which differs less than the layman thinks from the ordinary run of humanity."

□

Three hours ago, when I left San Francisco, the sky was clear. A perfect day for a motorcycle ride. As I cut across town, everything was as it should be, but at the apex of the Golden Gate Bridge I could see a bank of clouds looming to the north. A few miles further, as San Quentin Prison disappeared from the side mirror, rain coated the visor of my helmet and traffic slowed to a crawl.

Riding a motorcycle in the rain is like taking a cold shower with your clothes on. I was traveling to meet a man named Rick Branson in a Denny's just off highway 101 in Ukiah, California, a small town 120 miles north of San Francisco. By the time I arrived, my lips were blue. My hand was clammy when I extended it in greeting.

We are waiting for a table, and Branson is giving me a look of grandfatherly concern. I can tell he's restraining himself from asking, again, if I'm OK. When we are finally seated in a booth by the front door, I clutch a warm coffee cup with numb hands.

Branson looks like a drill sergeant who has run out of malice. He has a thin mustache and a shaved head covered by a black baseball cap. A well-worn Oakland Raiders sweatshirt is tucked into his jeans, and his thick hands rest on the table. He grew up in Willits, a town even smaller than Ukiah, about twenty miles north whose motto is "Heart of Mendocino County." He is at ease in this place. He banters with the waitress, and says hello to several groups as they pass our table. He smiles often, with his whole face, and speaks in long, well composed sentences. While he talks about life before he became a student at PUP, I try to square what he's saying with what I'm seeing. It is hard to do because the man he is describing bears no resemblance to the one sitting across from me, so concerned about whether I am cold or uncomfortable.

Before beginning his education at PUP, Branson says, "All I wanted to do was get drunk, fight the cops, and do whatever the hell I wanted to do, and screw everybody else.

"I grew up in a little bitty hick town, a redneck town. All I learned was how to grow pot, how to fight, how to drink beer and be a red neck and how to hate other races. I was ignorant. I wasn't purposely ignorant; I didn't know I wasn't educated properly."

Branson was released from San Quentin eight months before. He says he doesn't drink or use drugs now, and works full time as a mechanic and assistant manager for an equipment rental company. Since his release he's only missed one day of work, a planned absence to walk his daughter down the aisle in a rented tuxedo, and dance with her at her wedding reception. After the ceremony, he sent pictures to PUP with a note that read, "See what I get to do now."

Eight months is the longest Branson has been out of custody since he was 16. Most of his life has been wasted spinning through the revolving doors of local jails and state prisons. In Branson I found all the nonacademic effects of receiving an education that Lewen talked about. Being a student gave him something positive to talk to his family about while he was incarcerated, which helped him rebuild his relationships with them. And it allowed him to redefine himself and raised his self esteem. It has kept him sober and made him a better man, even a better mechanic, he tells me.

I ask if he fears he'll ever be locked up again.

"No, I'm not going back."

Branson's last prison sentence, for driving under the influence, was five years and eight months. It was the longest stretch he ever faced, and the news came on the heels of other bad tidings. His 18-month-old niece had just died in a car accident, and the woman he was involved with left him because he was back in jail. He had a break-down. While awaiting trial the local jail held him in a padded room. When he got to San Quentin "I didn't really care whether I lived or died," he says.

School was never a priority for Branson. High school just passed by. He went to community college in the early nineties, but never took it seriously. He was drinking every day, and spent his time at school snorting cocaine in the bathroom with other malcontents. And so it's a little surprising that he decided to begin attending classes when he got to San Quentin. In terms of educational ambition, he was far from the cream of the crop. But when he saw a flier advertising free college courses, he decided to give them a try. It was just something to do, he says.

To take classes with PUP a prisoner needs a high school degree or the equivalent, but most students begin in remedial classes, because the actual educational level of someone with a high school diploma or equivalency is often below what PUP's classes require. When the program was founded, prospective students were given a placement exam, but the vast majority ended up in remedial classes and performing poorly on the test gave them an initial feeling of failure. Now, non-credit classes are the default for every new student, including Branson.

Former prisoners from three states told me that the hardest thing about beginning college in prison is letting your guard down and admitting you have things to learn. "You're not supposed to have a flaw in prison," Arthur Bembury told me. Bembury spent 20 years in the Massachusetts prison system, and saw a lot of men avoid the college program there because they couldn't admit they needed help. "A guy might weigh two or three hundred pounds from lifting weights, but if he can't spell 'idiosyncrasy' [...] that's gonna come out," he said.

For that reason Branson was silent for his first two weeks in class. He felt lost and didn't want to ask for assistance. During his fourth math class he asked a teacher for help with factors. By the end of that class Branson understood the material. For the first time in years he entertained the idea that he might be smart — that he might not be destined for the life he was living. That possibility was all he needed to redefine himself.

"The second week, I knew things were changing," he says. "My self-esteem was through the roof, 'cause I was in college. I wasn't a prisoner no more. I was a college student. I was *in* prison, but I *was* a college student. There's prestige in that," he says.

From that point on Branson was a true believer, not in degrees or resume lines, but in education as a transformative process. In addition to working in the prison metal shop, Branson took a full load of courses every semester. He completed 18 classes before being paroled, including geometry, ethics, chemistry and philosophy. Other than in an algebra class, Branson received all A's and B's. His free time was spent trying to recruit new students. He sought out "young guys, hanging out, tattooing each other" he says, and preached his new evangel: learn something, it could save your life.

Getting an education to change who you are, and to improve your character and self-esteem sounds quaint, romantic. It doesn't sound efficient. But when education was first granted to prisoners, that was the goal. In 1790, Quakers founded the Walnut Street Prison, the country's first penitentiary, in Philadelphia. The common thinking at the time was that criminality was hereditary, characterological — once a criminal, always a criminal. But the Quakers had other ideas. They thought that incarceration should provide prisoners a chance for self-improvement through penitence. Education was part of their project, it was encouraged not as a means of improving a prisoner's employability, but to improve the prisoner as a human being. An early review of the program declared that anyone who visited a prison class would be convinced of "the zeal and inclination manifested by almost all the prisoners to acquire knowledge and become perfect."

An argument can be made that the education Branson received from PUP did him no good. He has the same job he had when sentenced, guaranteed to him for life by an employer whose business Branson helped build in between jail stays. Branson lives in a trailer parked on the work site. Unlike Hutton and Shaw, whose lives are now defined by their attachment to colleges and their academic goals, education informs who Branson is more than what he does. Although he is only one class short of the requirement for an associate degree, he has only vague plans for completing it. When I question whether PUP really did anything for him he says that committing to education was never about the degree, or getting a better job. It was about changing the way he understands the world, and changing himself.

“I didn't go in there and say, 'I want this degree so I can get a good job and be rich.' That wasn't my thinking at all. I just didn't want to die. I didn't want to kill myself. I didn't want to feel as miserable and lousy as I did,” he says.

Over coffee at Denny's, Branson drops into our conversation a reference to Occam's razor, and tells me that he measures people by a different yard-stick than he used to. “You can tell how intelligent a person is by their vocabulary,” he says. Then, with a smile, he asks if I know what the word 'tertiary' means. “It means the third stage of something,” he answers his own question. “I use it as often as I can.” He says the most important class he took in San Quentin was philosophy, because it taught him how to evaluate his decisions.

“I had this whole belief system, cause that was how I was raised,” he says. “So now I have to question my entire belief system. I have to question everything. And before I go out and act — or react to anything — I have to stop and ask myself, 'Is this the right thing or the wrong thing?' How do I know?”

“It made me think more deeply about what I'm doing, where I'm going, how it affects people around me. That one class gave me that much,” he says.

Branson was already a mechanic when he went to prison. His problem was never a lack of skills or a poor work ethic. His problem was a lack of self-respect, not knowing he was intelligent and believing that the way he was living his life was the way lives are lived.

“I was on a one-track crash course,” he says. “I just kept crashing over and over and over.” What PUP did for him was let him know, “There's other options, there's other trains, there's other tracks.”

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One day, in the late eighties, Arthur Bembury was playing basketball inside a Massachusetts state prison. Dribbling the ball down the court, he saw a large stone obstructing his path. He called for a time out, and bent to move it so the game could continue. A friend stopped him. They were going to have to play around the stone, his friend said. Just then a large man watching the game from courtside rose and asked Bembury if there was a problem. That stone, the man announced, was *his* stone and it was to remain where he had placed it. If Bembury didn't like that arrangement then they were going to have to fight. Bembury demurred. The game continued. The players on the court dribbled, passed, and drove to the basket, avoiding the stone as if it were a land mine.

Later, Bembury learned that the man who threatened him wanted to be transferred to another prison. In order to be moved he would need to get in trouble. The easiest way to do that was to pick a fight. Fighting would result in a disciplinary ticket (referred to as D-Tickets), which would likely get him reclassified and sent to the facility he had in mind. The man didn't want to hit a

friend, so he placed his stone on the basketball court, where it was most likely to elicit a violent response from a stranger.

Bembury, who is in his early sixties, told me that story on a mid-January afternoon we spent together in Newton, Massachusetts. Bembury is a squarely-built man who speaks with a sweet, raspy voice, like gravel and molasses. We met inside the offices of Partakers, a small religious organization that sends academic tutors into Massachusetts prisons, where they visit with students enrolled in the Boston University Prison Education Program.

Bembury was paroled about seven years ago, and went to work for a cannery in Vermont, where he earned \$7.00 an hour on the night shift. A year after his release, Partakers offered him a job as their outreach coordinator. He was reluctant to accept, he says, because, “You don't always want to go through life and be introduced as the ex-felon.” But, it was a respectable job with a decent salary. With his criminal record only a Google search away, Bembury knew there would not be many such offers.

Partakers' office is spare, just desks and chairs. On the wall next to me a pair of antebellum shackles hang near a Keith Haring poster. It's a wintry day, and Bembury and I are alone.

Bembury prefers not to talk about his time in prison. Most of his ideas and ruminations are prospective, not retrospective. He wants Partakers to expand and develop new programs. He is saving for retirement, and when he has some capital, he plans to invest in real estate. When he wants to emphasize a point he's making, he leans in toward the audio recorder and speaks close to the microphone. When I play it back it booms, though he never raised his voice.

Most of the men I interviewed for this article told their stories smoothly, with practiced panache. They expressed remorse, but it was infused with swagger. Bembury's tale has no narrative. I get it in scenes, with lessons appended.

The basketball story took place during Bembury's second incarceration, which began in 1988 and ended in 2005. The point of the story, he told me, was that in prison the man who placed the stone on the basketball court was acting rationally — and that any place where a plan like that could be rational, is potentially crazy-making. The key to staying sane — and being successful once you are released — is to make sure you never submit to that sort of logic, he told me.

When Bembury returned to prison in 1988 the culture of the place jarred him. Unlike Branson or Hutton or Shaw, Bembury did not spend his life cycling through correctional facilities. He was ill equipped to negotiate the world he found himself in. Though he has been incarcerated twice, Bembury has only been convicted of a single crime, second degree murder, when he was 18 years old.

He entered prison in 1972, and escaped three years later. He traveled west, settled in Los Angeles, and began a new life under the pseudonym “Franklin Douglas Hanare.” He had a family, sold real estate, even had a bit part in the 1988 film “Colors.”

One day, 14 years after he escaped, police knocked on the door of Bembury's real estate office in Marina Del Ray, California, and told him they were taking him into custody at the request of the state of Massachusetts. Someone back home had 'dropped a dime on him', and he had a life sentence to complete.

Back in prison, the men around Bembury bragged that they were: best pimp, best robber, best drug dealer. For Bembury, it all rang hollow. That sort of braggadocio always made him think, “But you aren't *that* good, 'cause you're in here with me,” he says and laughs a deep laugh.

When Bembury learned that Boston University (BU) operated a college program inside the prison, he enrolled. In some ways, it was a strange move. He had earned a degree from West Los Angeles College while he was on the run, so he didn't need an education. He wasn't looking for enlightenment, or self-esteem, or new life goals. He was trying to find a space inside the prison where normal measures of success remained: where being best student was still more appealing than being best pimp, and the logic of stones on basketball courts didn't prevail. Academia was not a religion for him the way it was for Branson, it was a redoubt to which he retreated to preserve his sanity.

In prison, BU's students were a “community within a community” Bembury says. They socialized together, tutored each other and edited each other's papers. Collectively, they held each other to different standards than the other prisoners. Any behavior that might result in a missed class was frowned upon. Fighting was discouraged, so were drugs, weapons or any other contraband. “It's clear who is in the program,” Bembury says.

BU was also a lifeline to the civilian world. One of the most valuable things about being in college while in prison, Bembury says, was, “Just being in contact with people that are out there, and have a grip on life.” The professors that BU sends into the prison are university instructors, not prison employees. And during visiting hours, most BU students meet with teams of academic tutors sent by Partakers. The prisoner-tutor groups talk about school work, but also family life, politics and current events.

Partakers' volunteers are recruited primarily through churches. They tend to be older and middle class, mostly professionals or retirees. They are the only visitors some students receive, Lanny Kutakoff, Partakers' director, told me. Through their meeting with volunteers, the prisoners, “get to be much more comfortable with people very unlike themselves, which, I think, gives them a real step forward when they go out and try to get jobs,” he said.

When Bembury was finally paroled, he had some trouble adjusting. He would become tense and hyper-vigilant if someone bumped into him in the supermarket. It took a little while, but he relearned that, outside prison, failing to apologize for such a small thing was not a great insult. But he had no real problems. He found work right away, and never violated the terms of his parole. If you consider that he spent years in classrooms interacting with professors and students, and talking with professionals and retirees who spent their free time driving to visit him, his successful reentry is no great surprise.

Chatting with me in Partakers' office, sipping tea and talking about his retirement plans, Bembury reminds me of a former prisoner-student I met in California. A man who also used college as a way to escape prison without leaving it, and who spoke about his experience as if he had led two separate lives.

I met Chuck Hopple in a hotel in San Jose, California. He had been living in the same room since leaving San Quentin, nine months earlier, and it was aseptically clean. His bed was made, his counters were clean, his brushed steel stove was spotless. I sat on his couch for our interview, and he leaned back into an arm chair. On the coffee table in front of me, a copy of *Mother Jones* lay on top of the most recent *Harper's*.

Close your eyes, think 'ex-convict.' You will not conjure an image of Chuck Hopple. He is nearing retirement age, has a soft face and a neatly trimmed gray beard. On the afternoon we met he was wearing a loose fitting sweater that outlined a slight belly. Try as I might, I could not imagine him striding through a prison yard in a drab uniform. He looked like an erudite, cosmopolitan Santa Claus.

Like Bembury, Hopple was only sentenced to prison once. He was 50 when he was convicted of first degree burglary, and entered San Quentin a stranger to an environment he did not want to adapt to. Prison was like being trapped in, "a desert [...] there's nothing there," he told me.

Eight months after he arrived, Hopple started attending the PUP. The environment in class was like nothing else in San Quentin, he said. The difference was "night and day."

Outside PUP's trailers, there were only men, there was no one to talk to. Nothing was "of any value," he said. All the conversations were "bullshit." Inside, classes were "incredibly fun," and he could interact with women. ("There's something about women instructors where people always think of love.") Racial distinctions, enforced through threat of violence in the rest of the prison, fell apart in class. He could talk to, debate, or collaborate with men of any race.

Hopple told me his favorite class text was Herman Melville's novella *Benito Cereno*, a seafaring tale about a group of slaves who take control of a Spanish merchant ship. He loved the writing, he said. ("In one language, and as with one voice, all poured out a common tale of suffering; in which the Negresses, of whom there were not a few, exceeded the others in their dolorous vehemence.") He lost himself in the story. "I had a lot of fun with that one," he said.

Hopple spoke about his prison experience and his college experience as if they were separate, not concurrent. When he talked about the guards, or his trial, or the prison yard, he used the past tense. But when he remembered the classroom, he kept slipping into the present tense. As if he was still attending. At points, while reminiscing about PUP, he was almost giddy.

I experienced some confusion trying to reconcile the fact that memories of his time in prison were cheering Hopple. Then I realized, he wasn't remembering prison. He was thinking about a place where black, white and Hispanic men talked about literature and were at ease with each other. Where professors paid attention to what he had to say. Like Bembury, that's why he was there. He was remembering a space apart from San Quentin, though it was contained within it.

Without PUP, Hopple said, "Seven years might seem like fourteen."

"There are so many essays that I wrote, and rewrote and rewrote into the early morning hours when everybody was sleeping. That gave me the ability to remove myself. Even though I was in general population, I was quite removed."

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Auburn, NY, is a city of twenty-eight thousand, just 30 miles south of Lake Ontario. Auburn Correctional Facility is a maximum security prison with a population of about eighteen hundred, set right in the middle of the city. It is long and thin. A stream courses along the south wall. The north wall is taller and thicker than the one that partitioned Berlin. Modest homes face that blank defense; from their yards you could toss a stone and hit it.

I arrive in the city of Auburn an hour before the fiction class I am supposed to observe begins inside the prison. Nervous, I remember something Jody Lewen told me about the first time she

entered San Quentin. “I felt like I was jumping off a cliff,” she said. “I thought, 'OK, I'm going to die now.'” And I wonder, illogically, “What if they don't let me leave?”

The front entrance of Auburn prison is flanked by short towers of cut stone. The main building is generic and institutional. As if someone started building a castle, and then decided they'd prefer a high school gymnasium. A copper statue of a Revolutionary Soldier with a bayoneted rifle slung over his left shoulder stands atop the building.

You can stroll into Auburn's visitors entrance from the sidewalk. If you want to get past security, face the window to your left and slip your ID to the man in the glass walled office so he can inspect it. If your name is on the correct list you can enter the prison; if it's not, you're out of luck. Mine is not, though I had been assured that my visit was approved by an administrator. Somehow, I was lost in the ether. “It's not your fault, it's no one's fault, it just happens,” the apologetic, harried guard standing by the metal detector says.

Prisons have no obligation to give journalists access to their facilities. Legitimate security concerns, bureaucratic inertia, and lack of motivation all play a role in keeping the press and the public at bay. The week I flew to California to observe classes at PUP, San Quentin was placed on lockdown. It remained sealed for 12 days. No volunteers were allowed in, no classes were conducted. It was mid-December, and the delay lasted so long the semester had to be continued after PUP's instructors returned from their holiday vacations. These delays, Lewen told me, “are part of the story.” Instructors, guest lecturers and volunteers, all have to deal with the same bureaucracy that I had to muck through. (The same bureaucracy, true, but it seems to treat journalists with more skepticism than volunteer professors.) Students must contend with a learning environment subject to frequent, unpredictable disruptions. I left California having driven past San Quentin's fog-kissed 160-year-old-walls a half dozen times. I never got inside.

Back on the East Coast, Jim Schechter, who runs the Cornell Prison Education Program, offered to sponsor me so I could observe one of the classes his program teaches in Auburn prison. There began an odyssey that can only be described as Kafkaesque. My application to enter the prison was lost and lost again, approved and then lost again. A trip was planned and then canceled at the last moment.

After three months of abortive attempts, I drove six hours north from New York City. Now, I've been turned away, and there's nothing to do but pace outside the prison, and wonder if I will ever get inside.

The following morning, Jim Schechter starts calling the prison's administrative staff before they even arrive for work. Finally, I am allowed past the security post to observe what I have been reporting on for months, so that I can verify what I have been hearing about teaching inside prisons.

Instructors say that teaching college courses in a prison now is like teaching in a university during the 1970s. There is no technology. Prisoners rarely have access to computers and when they do they cannot access the Internet. Class assignments are mostly handwritten, and researched in a library, by looking through books. Spelling is checked with a dictionary. Despite those limitations, several instructors told me the assignments they receive from their students are often without a mark or a smudge. They have been written and rewritten until they are flawless.

Because prison classes suffer frequent disruptions, in San Quentin, PUP builds an extra three weeks into every semester, anticipating that the facility will be locked down and classes canceled.

Fighting, escape attempts, the flu, even fog can result in a lockdown. Occasionally, students in prison college programs don't make it to class, not because they are ditching, but because guards don't feel like escorting them to the classroom. If the census of one wing of the prison is off, everyone is held in their cell until the count is sorted out.

Lanny Kutakoff, the director of Partakers, has been teaching in prison on and off since 1975. After his first prison class he was, "smitten." He told me, "I wanted to be there, I wanted to teach, they were hungry."

The adjectives most often invoked by instructors to describe their students were hungry, eager, and polite. Timothy Doran, who teaches in San Quentin and UC Berkeley, where he's a graduate student, said his incarcerated students are more attentive. "In some ways they're better students, because they're more motivated and work harder," he said. And, they "know it's a privilege and they act very politely."

Several professors mentioned that their incarcerated students are textualists. They read documents closely, sometimes missing sarcasm or satire. Keramet Reiter, who has taught in jails and prisons in three states for more than 10 years, said her students are, "incredibly literal, which I think is a function of having your every move dictated."

But overall, professors say, classes in prison are just classes. And the students, one said, "are just regular adult college students." I was skeptical. The experiences described by former students (revelation, sanctuary, redemption) were too far beyond what a normal class has to offer. But I was not able to confirm or deny any such observations until Auburn finally gave me permission to enter the prison this morning.

Veronica Morales and Stephanie Kelly, two of Cornell's volunteer chemistry instructors, and I doff our shoes and coats, pass through a metal detector, and enter the prison. A gate slides closed behind us, another opens in front. A fireplug-shaped guard with a shaved head guides us. He lopes. Together, the four of us navigate a labyrinth of corridors, yards, observation booths, fences. We shuttle through halls whose corners are rounded by dozens of layers of paint. This place looks like a dirty hospital.

Our escort hollers "got three" at every gate, checkpoint and fence, and holds up the same number of fingers. I cannot say how many times he does this because I had to agree not to write anything down before I was allowed inside the prison and there are too many checkpoints to remember. We walk the distance of at least two football fields before we arrive at a long building that looks like a barn. We climb a set of stairs, and enter a hallway with classrooms on either side. Each has a wall that is Plexiglas from the waist up. From the hall you can see everything happening inside them. In the center of the building three guards hover near a desk. They direct us into the room nearest them. A couple dozen students file in after us from an adjacent room, where they were held for our arrival. Most pass by the front desk, shoot the teachers a quick smile, and ask about their week.

"You should introduce yourself," Morales says. "So they don't think you're a guard." Once everyone is seated I tell the room that I am writing about college education in prison, and that I'm grateful to them for letting me sit in on their class. In order to get into the prison I had to agree not to ask the class questions, quote students directly, or describe them in detail. "I'll just be sitting in the back," I say.

The room looks like a grade school classroom, just desks and chairs. Nothing fancy. Hand written signs reading “No spitting or yelling” hang from every window that opens out. Guards are in the hall, but they are out of sight. It is easy to imagine this room is not inside a prison at all. Morales and Kelly return quizzes the class took recently.

“These really sucked, guys” Morales tells the room. Some students groan, others laugh. Someone demands a pep talk.

“You guys are doing great, but these quizzes sucked,” she offers.

This is a room of questions. The plan was to review the material covered by the quiz, but that only happens in fits and starts. Kelly darts from desk to desk as arms raise. Here and there men cluster together. Every bit of chatter I can discern is about the class material. When no one can tell Morales how many ways a molecule can move, she makes the class stand and act out the possibilities. The men oblige, theatrically. Jumping, and weaving from side to side, their arms flopping limply. They smile. A few glance at the hallway to see if any other inmates can see them dancing around.

A TV is rolled into the room and a video about crystal growth, narrated by an old man with a droll voice, comes on. Someone sitting in a group of four just in front of me leans back in his chair and asks under his breath whether I understood the lesson.

“Not a clue,” I say.

The group waves me over and we talk in hushed tones while the video plays. I remind them I am not supposed to ask questions, but this is not a problem. They are not interested in answering any. They want to tell me how much going to college has helped them. They say I should write about the theater group they have just started. And complain about the current state of the law. It's hard to win an appeal these days, they say. Then there are things they want to know. What do I think about the Patient Protection and Affordable Care Act? What does the Golden Gate Bridge look like? Is the newspaper industry really doing as poorly as they have heard? Where am I from? Do I have any advice for them when they are released?

“Do what your parole officer tells you to do,” I say. “Even if you know they're wrong.”

“What can I say about college education in prison?” one asks.

“I doubt I have anything to tell you,” I say. “You know better than I do.”

No, he shakes his head. It's hard to understand something when you're involved yourself, he tells me.

A trim man with soft eyes, sitting just to my left, wants to know how I will write about prison college programs, and this class. We talk about how to contextualize the subject, what information is most important to include, how to present characters both sympathetically and realistically. And this man — who is serving a sentence of 25 years to life — smiles up at me and says that writing sounds very difficult.

I have his sympathy, he says.

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SFGate

5 Keys Charter School helps S.F. inmates

By Jill Tucker

Tuesday, January 29, 2013



Mayte Lopez hugs Kristopher Viana after Viana receives his diploma at the Five Keys Charter School graduation. Photo: Lea Suzuki, The Chronicle

Latrice Alexander beamed and cheered as her son walked across the Hall of Justice stage to accept his high school diploma Tuesday.

The armed deputies guarding the auditorium's exit simply blended into the background as she finally saw her oldest boy wearing something other than prison orange.

Her 22-year-old "baby," Anthony Taylor, was a high school graduate.

"It's a happy moment right now, very happy," Alexander said. "To give up, that's what he didn't do."

The San Francisco County Jail's class of 2013 included 20 graduates who earned their diplomas behind bars, doing algebra and history homework in their cells.

While there is no prom, no parent-teacher conferences or Friday night football games, they attended a real high school, albeit one located inside a jailhouse.

Ten years ago, the San Francisco Sheriff's Office opened Five Keys Charter School, the first public high school to open in a jail, something that required a state waiver to allow for the enrollment of adults.

But aside from the lock-and-key location and the over-18 student body, the school on paper is like any other in the state. The teachers take attendance, cover state academic standards and give out grades.

Low reading levels

Most of the 250 in-custody students enter class for the first time with a fourth- or fifth-grade reading level and few future prospects for employment.

"Somebody in jail is going to get out of jail," said the school's executive director, Steve Good. "I personally would prefer they spend their time in jail ... in a productive way."

The charter school operates in the County Jail in San Bruno, with several satellite locations in San Francisco and Los Angeles for released inmates who want to keep attending classes. The Five Keys organization also includes an adult charter school and an independent study program.

Another 25 out-of-custody students graduated at a separate ceremony Tuesday.

Since 2003, Five Keys has handed out more than 600 high school diplomas, certificates of completion or equivalency diplomas.

School officials have tracked their graduates, finding that the recidivism rate for Five Keys graduates one year out is 44 percent compared with 68 percent of other inmates.

Those 24 percentage points save San Francisco about \$1.5 million each year - after deducting the costs of the school.

There are now a handful of similar programs across the country modeling the San Francisco school, Good said.

The school's philosophy is founded on the five keys to an inmate's success: connection to community; a focus on family; recovery from substance abuse; education; and employment.

Inmates often balk about getting sent to "Bruno," which doesn't allow them to while away time playing dominoes.

They are expected to participate in school and other programs and often change their minds about the place, said sheriff's Capt. Kevin Paulson.

Many have changed

Stories of personal transformation are not rare.

"This is the jail where you believe in people's ability to change," Paulson said.

When Juan Alay, 29, was sent to the jail three years ago, he had never attended middle or high school and his "English was kind of like broken."

Jail officials selected him to lead the Pledge of Allegiance at his high school graduation Tuesday, his voice cracking with emotion when he got to the "with liberty and justice for all" part.

Still, running the school, which operates in both the female and male blocks, requires keen logistics. There are members from 22 gangs inside the jail and rivals are separated in and out of class.

And the curriculum is tailored to meet the needs and interests of the students. Biology of Addiction and History of Oppression are among the high school courses offered.

Students are required to complete 150 units in addition to all required coursework and pass the High School Exit Exam, as required by state law.

Students can earn up to two units per week.

At age 49, Frederick Releford put on the tasseled cap and the black gown so that only bits of orange showed at the collar and feet.

He was 23 months into a four-year sentence.

"I put myself in here," he said a day earlier, stepping out of algebra class to talk. "I'm just trying a day at a time to be productive.

"Something good, not bad, is coming out of this."

On Tuesday, his mother, Remi Releford, leaned on a cane as she watched her son graduate from high school.

"He never did graduate before," she said. "But he sure did this time."



Juan Alay talks with Terese Bravo, assistant director of education, as he puts on his graduation gown.
Photo: Lea Suzuki, The Chronicle



Juan Alay shakes the hand of Sheriff Ross Mirkarimi during the graduation ceremony. Photo: Lea Suzuki, The Chronicle



Willie Eason holds his certificate of completion as he poses for pictures with family members. Photo: Lea Suzuki, The Chronicle



Remi Releford smiles after her son accepts his diploma. Photo: Lea Suzuki, The Chronicle



An inmate is patted down before entering the Five Keys Charter School in San Francisco County Jail #5 - San Bruno Complex on Monday, January 28, 2013 in San Bruno, Calif. Photo: Lea Suzuki, The Chronicle



Juan Alay (center) gets assistance from CheRonn Piper (left), site coordinator, County Jail 5, and Terese Bravo (right), assistant director of education, as he dons his graduation gown and cap outside a holding cell at the San Francisco County Jail #3 to prepare for the San Francisco Sheriff Department's Five Keys Charter School graduation ceremony in the Hall of Justice 6th floor auditorium on Tuesday, January 29, 2013 in San Francisco, Calif. Photo: Lea Suzuki, The Chronicle



Friends and family cheer for a graduate as his name is called during the San Francisco Sheriff Department's Five Keys Charter School graduation ceremony in the Hall of Justice 6th floor auditorium on Tuesday, January 29, 2013 in San Francisco, Calif. Photo: Lea Suzuki, The Chronicle



CheRonn Piper (l to r), site coordinator, County Jail 5, Elyse Graham, deputy executive director and Terese Bravo (right), assistant director of education carry graduation caps and gowns into San Francisco County Jail #3 for inmates attending the San Francisco Sheriff Department's Five Keys Charter School graduation ceremony in the Hall of Justice 6th floor auditorium on Tuesday, January 29, 2013 in San Francisco, Calif. Photo: Lea Suzuki, The Chronicle

Viewpoints: Climate change is another reason to protect farmland

By Rich Rominger and Renata Brillinger
Special to The Bee
Thursday, Aug. 2, 2012



Rich Rominger, of Rominger Brothers Farms, is a former secretary of the California Department of Food and Agriculture, and former deputy secretary of the U.S. Department of Agriculture.

Food and farming are a big part of California's identity. After all, the state produces 400 different crops and livestock products; provides more than half of the U.S. supply of fruits, vegetables and nuts; and is the country's leading dairy supplier.

Many agricultural landscapes pervade California culture – cattle grazing among oak woodlands; vineyards splashing fall colors; almond orchards blooming pink in spring; vast rows of tomatoes, strawberries and lettuce, and more.

Most Californians take the existence of farming and ranching for granted, but this is a mistake. There are mounting pressures to convert farmland to other types of land uses. More than 1.3 million acres of important farmland and grazing land has been converted to other uses since 1984, including more than 1 million acres lost to urbanization. Most aging farmers want to see their land stay in agriculture, but it's challenging for new farmers to get into the business because of the high cost of land and equipment, so farm families sometimes have little choice but to sell to developers.

Protecting the state's working lands is important not just for reasons of culture and identity. Agriculture is a \$37 billion industry and the backbone of many rural Californian communities and related industries. California's Central Valley is one of the last great Mediterranean climate agricultural production areas on the globe, and the food produced here for California and the

nation is an issue of national security. There are also recreational benefits to be considered since hunting, hiking and tourism can be compatible on agricultural lands.

Ranches and farms also offer numerous environmental benefits. They provide **wildlife habitat** for birds, pollinators and many other animals. Importantly in our arid climate – especially because water scarcity will become more acute with **climate change** – agricultural lands serve as groundwater reservoirs where rainfall penetrates soils, in contrast to paved urban areas. And when farmland is properly managed, it can filter water for nearby communities.

New reports released Tuesday by the California Natural Resources Agency and the **California Energy Commission** provide valuable data on climate change adaptation. One of the studies, funded by the Energy Commission's Public Interest Energy Research Program, adds a new and compelling reason to protect California's working lands. Led by Louise Jackson, a team of researchers at the **University of California, Davis**, in cooperation with county agencies, conducted an inventory of **greenhouse gas emissions** on Yolo County farmland and studied how agriculture can adapt to climate change. This study, which can be found at <http://agadapt.ucdavis.edu>, provides a tool for assessing agriculture's responses to climate change at the regional level.

Importantly, the study found that urban land accounts for 70 times more greenhouse gas emissions per acre than cropland. According to the authors, this finding "suggests that land-use policies which protect existing farmland from urban development are likely to help stabilize or reduce future emissions, particularly if they are coupled with 'smart growth' policies that prioritize urban infill over expansion."

The authors go on to state that even greater climate benefits can be gained by using farming practices that reduce emissions, sequester carbon and buffer crop production from uncertainties in future climate and fluctuating energy prices.

Until three years ago, the state funded a popular program called the Williamson Act, which offered property tax reductions for farmers who agreed to keep their land in production for 10-year periods. Budget cuts have axed the funds, and there are now virtually no public funds to encourage farmers to hold onto their land.

There are other well-documented policy tools available for protecting farmland. Three ingredients are needed to make them work.

First, we must balance competing uses and develop criteria and guidelines for prioritizing the most high-value agricultural lands. Accommodating a growing population, preparing for a secure renewable energy future and building a 21st-century transportation system must not be accomplished at the cost of paving or "solar paneling" over vast acreages of prime land that we need to feed ourselves.

Second, we must find sources of funding to ensure that maximal community benefit can be obtained from working lands while ensuring that farmers and ranchers can afford to get in and stay in business. One potential source of new funds is California's cap-and-trade program, which

is expected to raise more than a half billion dollars this year, increasing in following years. The Legislature is currently debating an investment plan for the funds; it should include farmland protection.

Third, because land use decisions are difficult, development pressures intense and issues of property rights sometimes contentious, we need political leadership, public awareness and support. Thanks to the team of UC Davis researchers and government funding for their study, we can add climate protection to the compelling list of reasons to invest in the long-term protection of California's farms and ranches.

Rich Rominger, of Rominger Brothers Farms, is a former secretary of the California Department of Food and Agriculture, and former deputy secretary of the U.S. Department of Agriculture. Renata Brillinger is the executive director of the California Climate and Agriculture Network.

KQED



Planting the Seeds for ‘Greener’ Farms

Sustainable ag makes its bid for cap & trade revenues

September 7, 2012 | By Nate Seltenrich



Craig Miller

Reducing tillage is one technique farmers are trying out to cut carbon emissions.

Supporters of sustainable agriculture are looking forward to some “sustenance” of their own, after an eleventh-hour win in Sacramento. Just as the state’s last legislative session was drawing to a close, Assembly Bill 1532 passed by a vote of 51-28, sending to the governor’s desk a system for allocating cap-and-trade auction revenues, which are expected to reach into the billions of dollars by the end of next year.

AB 1532, authored by Assembly Speaker John Pérez, lays out an approach for ensuring that all proceeds from the sale of permits be used to further reduce greenhouse gas emissions. Among the eligible activities identified in the bill are farming and ranching practices that reduce greenhouse gas emissions and sequester carbon, such as reducing [soil tillage](#), improving energy

and [water efficiency](#), and reducing synthetic fertilizer use through compost, cover crops, and crop rotation.

“A lot of these practices also have a number of co-benefits such as improving air and water quality, reducing erosion, and improving soil quality,” said Renata Brillinger, executive director of the [California Climate & Agriculture Network](#) (CalCAN), which lobbied to have sustainable agriculture included in the bill.

In addition to promoting specific farm practices, AB 32 auction revenues could also go toward researching and developing new approaches, providing technical assistance to farmers, offering financial incentives to help them transition to climate-friendly methods, and helping to shield California’s farmland from urban development. A [study released in July](#) by the California Energy Commission and the California Natural Resources Agency and performed by researchers at UC Davis found that urban land accounts for 70 times more greenhouse gas emissions per square acre than cropland.

CalCAN has been angling to secure sustainable farming’s piece of the AB 32 pie since 2010, when Senator Lois Wolk (D-Davis) introduced a bill that offered guidelines for spending cap-and-trade revenues on agriculture. The bill got held over in committee, and CalCAN and Wolk tried again in 2011 — with the same result.

The legislature preferred to take a more comprehensive approach toward appropriating cap-and-trade revenues, said Brillinger, and that’s just what happened with AB 1532. Now Brillinger and her colleagues — along with their partners at Community Alliance with Family Farmers, Ecological Farming Association, and California Certified Organic Farmers — hope that Governor Jerry Brown will take the next step and sign it into law.

If he does, the law will go back to the legislature next year for further tinkering, then be passed along to the state Air Resources Board for implementation. Only then will we get any sense of just how much money could go to sustainable agriculture, or even begin to calculate the sort of greenhouse gas emissions that could be achieved statewide. “Everyone wants to have those hard numbers, but it’s proving elusive,” Brillinger said.” For now, the basics will have to do.

“It’s a sector that is [very susceptible to climate change impacts](#), and has some potential that some of the other sectors don’t. It’s one of the only sectors, forestry being the other, where there’s some carbon sequestration possible. We’ll continue to plug away at that message.”



Governor signs bill to ease small-scale renewable energy generation

Oct. 2, 2012, CalCAN

California farmers, school districts and commercial energy users got a boost with the Gov. Brown's signing of Senate Bill 594, which removes barriers to on-site renewable energy production. The California Climate and Agriculture Network (CalCAN), a coalition of sustainable agriculture organizations, supported the bill. Senate Bill 594, authored by Sen. Lois Wolk (D-Davis), will allow Net Energy Metering (NEM) customers to aggregate the electrical load of their meters.

The new law will ease the production of small-scale distributed renewable energy production in the state. "California farmers produce more renewable energy on their farms and ranches than their counterparts in other states, but obstacles still exist," said Jeanne Merrill, policy director with CalCAN. "The governor's action today moves us closer to developing more on-farm renewable energy production throughout California."

Farmers and ranchers typically have multiple meters on their property. Current California law prohibits the power generated from an on-site renewable facility to be counted against other meters. Consequently, farmers would have to install a separate facility for each meter, which is extremely inefficient and cost prohibitive; thus limiting their ability to cost-effectively generate renewable energy. Senate Bill 594 addresses this issue and eliminates the need for multiple facilities.

"The governor just made it easier and more affordable for growers like me to produce renewable energy," said Russ Lester, owner of Dixon Ridge Farms in Winters, Calif. "California agriculture can help the state reduce greenhouse gas emissions and produce clean energy. Senate Bill 594 is an important step forward."

Senate Bill 594 will move California closer to meeting the governor's goal of 12,000 megawatts of distributed renewable energy generation in the state.

For more information on Senate Bill 594, please see: <http://bit.ly/oNr9fT>.



Cap-and-spade: Will California's carbon market dollars go to organic farms?

By Twilight Greenaway, 4 Oct 2012



Amber Karnes

When animals are grazed intensively (moved from one small area to the next in rotation), they're believed to help the soil absorb CO₂.

It sounds too good to be true, but a groundbreaking bill passed in California last week that promises to do two important things at once: boost sustainable farming in the nation's biggest agricultural state *and* reduce greenhouse gas emissions.

You see, the Golden State is [revving up to start its own carbon market \(or "cap-and-trade" plan\)](#) and it kicks off next month. This plan is designed to cut greenhouse gas emissions 80 percent by 2050 and will require power plants and large industrial facilities like oil refineries and manufacturers (and eventually fuel and natural gas distributors), to participate in a process of [paying for their pollution](#) (or, in some cases, selling credits they earn by not polluting).

This cap and trade program will result in new public funds that can be invested in activities that further reduce greenhouse gas emissions. In fact, as the state's public radio affiliate [KOED reports](#), revenues "are expected to reach into the billions of dollars by the end of next year." And the bill that passed last week — AB 1532 — dictates what kinds of activities those dollars can be spent on. But here's the coolest part: Sustainable and organic farming practices made the list!

In other words, giant polluting factories are going to have to buy a portion of their permits to pollute from the state, and that money might actually go to help farmers do things like build their soil, plant [cover crops](#), manage their grazing practices to sequester carbon, and save water and energy. In other words, the kind of farming that needs all the help it can get in our otherwise overly industrialized system.

Scientists are still hammering out exactly which farming practices are the best for the climate, but there are promising signs that healthy, well-managed soil and pasture can go a long way toward balancing out and, in many cases, actually absorbing the CO₂ in the atmosphere.

The [Rodale Institute](#)'s 23-year comparison study of conventional and organic farming systems, for instance, has shown that [organic grain production systems increase soil carbon 15 to 28 percent](#). And many other studies are in the works — like the [Marin Carbon Project](#), which is researching the value of closely managed, intensively grazed pasture as a carbon sink.

And then there's the fact that farmland is disappearing altogether and being replaced by urban sprawl (read: cars, industry, and other polluters). A [recent study](#) out of the University of California at Davis found that there are 70 times more GHG emissions associated with urban land than farmland (and this even applies to land that has been conventionally farmed).

It makes sense, then, that [the California Climate and Agriculture Network](#) (CalCAN), the coalition of sustainable agriculture groups that lobbied hard for the inclusion of agriculture in the bill, is envisioning a system that provides revenue to sustainable farmers directly (through grants and a cost-sharing program), but also participatory research and farmland preservation.

Of course, because the language in the bill is somewhat vague (it [simply calls for the](#) “development and implementation of sustainable agriculture”), there's also always the possibility that the money could get tied up in the current battle over what exactly “sustainable” means (after all, the [biotech seed giant Monsanto uses that exact term to market its seeds](#)).

As Renata Brillinger, CalCAN's executive director, sees it, that risk underscores the need “to develop science-based criteria for what sustainable agriculture means.”

She also points to the fact that the farms that use multiple sustainable practices tend to have the smallest climate impacts overall. “A lot of the science takes a farming practice or two in isolation,” she says, “but studies that look at whole systems — multiple practices in combination — are showing great benefits in terms of reducing GHG emissions, sequestering carbon, and providing more resilience for the farm as well.”

In the meantime, some farmers are hopeful.

For Rose Marie Burroughs of [Burroughs Farms](#), an organic, multi-generational dairy farm, the possibility of a grant that might offset the cost of the operation is really promising.

“Long ago, when we started implementing management-intensive grazing with our beef cattle, we saw the value of a symbiotic relationship between the cows and the land,” she says.

Burroughs doesn't know what kind of carbon her family's pastures may be sequestering, but she says she'd jump at the chance to find out if and when California's cap-and-trade dollars fund the research. She's also used ground cover and open space on the farm to capture rain water that has replenished their aquifers — another important step that could protect the Burroughs from climate-related disaster.

“We've had record highs [in California] this week,” she says. “More and more people are experiencing climate change on a day-to-day basis and we have to be able to use our water the best we can. I hope these farming and grazing practices can help us through these turbulent times.”

USDA panel gets altered-crops pay plan

By Carolyn Lochhead

Friday, August 24, 2012



A tomato breeder shows varieties grown at a Yolo County facility of Monsanto Co., world's top producer of bioengineered seed. Photo: Noah Berger, Bloomberg

Washington -- California voters this fall will decide a ballot measure that would require labeling of foods containing genetically engineered material. But the Department of Agriculture is already tied in knots over how to deal with the contamination of organic and conventional foods by biotech crops.

On Monday, a USDA advisory panel will consider a draft plan to compensate farmers whose crops have been contaminated by pollen, seeds or other stray genetically engineered material. The meeting is expected to be contentious, pitting the biotechnology and organic industries against each other.

The draft report acknowledged the difficulty of preventing such material from accidentally entering the food supply and concerns that the purity of traditional seeds may be threatened.

It also cited fears on both sides that official action to address contamination could send a signal to U.S. consumers and export markets in Europe, Japan and elsewhere that the purity and even safety of U.S. crops are suspect.

An official who was not authorized to speak for the record described the current stalemate as "don't ask, don't tell."

Known as AC21, the Advisory Committee on Biotechnology and 21st Century Agriculture consists of representatives from across agriculture. Its current incarnation was created by Agriculture Secretary Tom Vilsack to appease critics after his decision in January 2011 to approve genetically engineered alfalfa, a plant that can spread easily.

Genetically engineered crops are also known as genetically modified organisms, or GMOs. Genetic engineering entails the insertion or deletion of genes, often from different species, into a plant to produce a desired trait. Up to now the chief traits are resistance to insects and herbicides.

U.S. corn 90% biotech

Bioengineered crops dominate U.S. commodities, including 90 percent of U.S. corn. In some states, penetration is all but complete, including 99 percent of the Arkansas cotton crop. Most processed foods contain genetically engineered material.

USDA's organic certification does not permit bioengineered material unless trace amounts show up despite a farmer's best efforts to avoid it. Many food companies do their own testing and have rejected contaminated shipments.

The biotech industry, which includes Monsanto, DuPont and other seed companies, argued that contamination is minimal. Organic growers, they said, get a premium for their crops and should "assume the economic risks associated" with certifying that their crops meet organic standards.

The organic industry said biotech companies should be responsible for containing their own genes and that contamination threatens the right of farmers to choose how to farm.

Vilsack directed the advisory committee to find a way for the two sides to co-exist. The panel has wrestled with the issue for more than a year but remains divided. The draft suggests using taxpayer-subsidized crop insurance to compensate farmers whose crops have been contaminated.

Lisa Bunin, organic policy coordinator for the Center for Food Safety, a Washington nonprofit that opposes genetic engineering, said crop insurance would put the burden of proof and the cost on the victims of contamination. She said the focus should be on preventing contamination, and that California's Proposition 37, which would require the labeling of genetically modified foods, shows that people are "waking up to the realization that there are hidden ingredients in their food."

Compensation is "just a way to hide the effects of ... contamination," Bunin said, calling the draft a "last-ditch attempt by the biotech industry to institutionalize transgenic contamination."

No guarantee

Panel member Isaura Andaluz, head of Cuatro Puertas, a nonprofit heritage seed bank in Albuquerque, issued a blistering critique of the draft earlier this month. Andaluz said she was shocked that the panel's report said "it is not realistic to suggest that commercial seed producers can guarantee zero presence" of genetically engineered material in seed varieties that are organic or not genetically engineered.

If that is true, she wrote, Vilsack's co-existence plan already has failed.

The biotech industry fears that setting a suggested threshold of 0.9 percent engineered content, above which a product would be considered contaminated, would imply a safety limit, falsely signaling to consumers and export markets that bioengineered crops are unsafe.

The draft report said methods have been developed to keep "gene flows" segregated, citing the example of sweet corn grown in fields next to popcorn.

Environmental groups worry, however, that bioengineered crops threaten wild plants, too. Engineered canola and grasses spread easily in storm winds and floods, turning up miles from where crops are planted.

Oversight is split among three agencies, USDA, the Food and Drug Administration and the Environmental Protection Agency. Under a rule developed in 1992 under former Vice President Dan Quayle, bioengineering is presumed safe for food and the environment.



'Agent Orange Corn' One Step Closer to Approval

By Common Dreams Staff

Published on Thursday, September 13, 2012



"This agreement between Dow and the Save our Crops Coalition does nothing to mitigate the threats that this 2,4-D tolerant crop poses on human health and the environment," says Wenonah Hauter of Food & Water Watch. (photo: Peter Blanchard via Flickr)

The genetically engineered product dubbed "Agent Orange corn" by its opponents may be closer to gaining EPA approval after a coalition of farmers dropped its opposition to the Dow product on Tuesday.

The farmer group, the [Save Our Crops Coalition](#) (SOCC), had previously denounced 'Enlist,' a genetically modified crop able to withstand being sprayed with 2,4-D, one of the components of Agent Orange. But on Tuesday SOCC released a [joint statement](#) with Dow, stating that it had resolved its issues, and that "SOCC believes that commitments made by Dow AgroSciences represent substantial measures to mitigate potential non-target plant damage impacts from herbicide spray drift and volatilization associated with 2,4-D tolerant crops."

Alexis Baden-Mayer, political director at the [Organic Consumers Association](#), tells Common Dreams that "The Save Our Crops Coalition is narrowly focused on the economic interests of farmers whose crops could be injured by 2,4-D herbicide drift." She adds that "the other thing farmers in the SOCC don't have to worry about is 2,4-D becoming ineffective against weeds when the weeds acquire the genetically engineered trait that makes Dow's GMO crops 2,4-D tolerant. This problem will only hurt the farmers growing crops marketed as 2,4-D tolerant. They might work in the short-term, but as we've seen with the 'RoundUp Ready' and Bt crops, they are quick to pass on their engineered traits to pests."

The opponents of "Agent Orange corn" also highlight the potential impacts on human health and the environment. Wenonah Hauter, executive director of [Food & Water Watch](#), says there continues to be serious cause for concern.

"This agreement between Dow and the Save our Crops Coalition does nothing to mitigate the threats that this 2,4-D tolerant crop poses on human health and the environment and only further illustrates ironclad control that Big Agribusiness holds over our food system. Many studies prove that 2,4 D exposure is associated with various forms of cancer, Parkinson's Disease, nerve damage, hormone disruption and birth defects and evidence is mounting that 2,4-D is quickly following in the disgraced footsteps of Monsanto's Roundup as giving rise to unkillable superweeds. The health of consumers, our soil and farm workers is once again left in the figurative and potentially literal dust," Hauter told Common Dreams.

Baden-Mayer echoes the concerns over human health. "If we continue to be exposed to ever increasing levels of 2,4-D in our food, we are going to suffer escalating rates of disease, especially cancer and birth defects," stated Baden-Mayer.

"2,4-D tolerant GMO crops haven't been safety tested for human consumption," added Baden-Mayer. "The FDA doesn't require that. They only conduct voluntary consultations with the manufacturers of GMOs on human health impacts. There's no independent review. So, we really have no idea what will happen when people start eating 2,4-D tolerant crops, and we probably never will. They'll enter the food supply unlabeled, primarily as animal feed and ingredients in junk foods. We're seeing an uptick in diet-related diseases, but it's impossible to identify the role of GMOs in that. The small amount of research we have on the body's reaction to GMOs is that they are perceived as foreign or toxic, triggering allergic reactions and immune responses or damaging the kidneys and liver."

Andrew Kimbrell, executive director of the [Center for Food Safety](#), previously [warned](#) of the dangers of the Dow's "Agent Orange" corn, and noted how it sets up a "chemical arms race."

"This novel corn will foster resistant weeds that require more toxic pesticides to kill, followed by more resistance and more pesticides—a chemical arms race in which the only winners are pesticide/biotechnology firms."

Mother Jones

DOJ Mysteriously Quits Monsanto Antitrust Investigation

—By [Tom Philpott](#)

| Sat Dec. 1, 2012



Just a handful of companies control the US seed market. *Stevie Rocco/Flickr*

There's an age-old tradition in Washington of making unpopular announcements when no one's listening—like, you know, the days leading up to Thanksgiving. That's when the Obama administration sneaked a tasty dish to the genetically modified seed/pesticide industry.

This treat involves the unceremonious end of the Department of Justice's antitrust investigation into possible anticompetitive practices in the US seed market, which it [had begun in January 2010](#). It's not hard to see why DOJ would take a look. For the crops that cover the bulk of US farmland like corn, soy, and cotton, the seed trade is essentially dominated by five companies: Monsanto, DuPont, Syngenta, Bayer, and Dow. And a single company, Monsanto, supplies nearly all genetically modified traits now so commonly used in those crops, which it licenses to its rivals for sale in their own seeds.

What's harder to figure out is why the DOJ ended the investigation without taking any action—and did so with a near-complete lack of public information. The DOJ didn't even see

fit to mark the investigation's end with a press release. News of it emerged from a [brief item](#) Monsanto itself issued the Friday before Thanksgiving, declaring it had "received written notification" from the DOJ antitrust division that it had ended its investigation "without taking any enforcement action."

A DOJ spokesperson confirmed to me that the agency had "closed its investigation into possible anticompetitive practices in the seed industry," but would divulge no details. "In making its decision, the Antitrust Division took into account marketplace developments that occurred during the pendency of the investigation," she stated via email. I asked what precisely those "marketplace developments" were. "I don't have anything else for you," she replied. Monsanto, too, is being tight-lipped—a company spokesperson said the company had no statement to make beyond the above-linked press release.

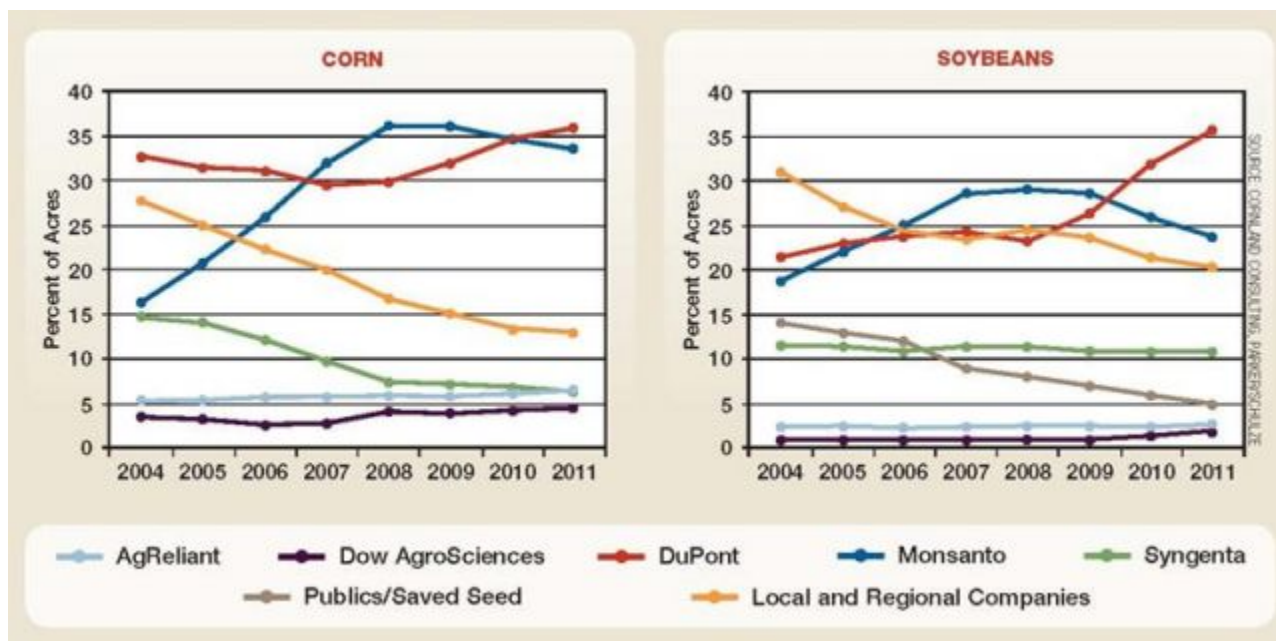
Diana Moss, vice president and senior research fellow of the American Antitrust Institute, told me that the DOJ's information blackout on the case is unusual—and frustrating. "To have a two-year investigation and close it without a peep in our view does a disservice." Moss is the author of a [2009 paper](#) concluding that the GM seed market "requires antitrust enforcement and/or legislative relief."

To get an idea of how far this market has come under the control of just a handful of companies, think of genetically modified seeds as computers—hardware and software. In this rather common but apt analogy, the actual seed is the hardware and the genetically modified traits they carry—like the ability to withstand herbicides, as in Monsanto's Roundup Ready traits—are the software.

Getting market share data for an industry like seeds is a maddening task. No government agency, including the US Department of Agriculture, tracks it. But it's not hard to establish that a few companies dominate it, with Monsanto at the top. Indeed, Monsanto alone essentially controls the software-like part of the market, traits: According to Monsanto's

rival, DuPont, Monsanto traits end up in 98 percent of the GM soybeans grown in the US and 79 percent of the corn—a claim [Monsanto doesn't dispute](#). In a 2009 [paper](#), Iowa State University economist GianCarlo Moschini reported that Monsanto traits are in 78.9 percent of the GM cotton grown here.

What about the hardware side, the seeds themselves? Below is a chart from the agribiz-trade web site [AgWeb](#), showing market-share trends in corn and soy seeds from 2004 to 2011. In corn, we can see that DuPont, Monsanto, Syngenta, and Dow together own more than 80 percent of the market, and the share owned by "local and regional companies" fell by approximately half over the period, and now stands at less than 15 percent. In soy, the same four large companies now together control more than 70 percent of the market, with both "local and regional companies" and "publics/saved seeds" showing sharp declines over the period.



Big fish, little fish. Source: [Agweb.com](#)

The USDA does keep market share numbers for the cottonseed market (pdf [here](#)), and in the 2012 growing season, Monsanto (through its cottonseed line Delta & Pine), Bayer, and

Dow (through its Phytogen subsidiary) owned 80 percent of the market among the three of them.

Of course, the fact that a market is dominated by a handful of giant companies doesn't automatically mean that they have what economists call "market power"—that is, the might to manipulate markets to their own advantage, to the detriment of their customers, in this instance, farmers. It's only in cases of [market power](#) that the DOJ would take action.

So did DOJ make a reasonable decision in dropping its investigation of Monsanto and the broader seed market? It's impossible to say, given that it refuses to release any details.

But there is evidence of potential market power in the industry. For example, one sign of an uncompetitive industry is the ability to raise prices at will, unimpeded by price pressure from rivals. It's impossible to say, without more information, if the GMO giants have done that—but prices have risen briskly over the past decade. In her above-mentioned 2009 [paper](#), the American Antitrust Institute's Moss points out that in truly competitive markets, "technologies that enjoy widespread and rapid adoption"—like GM seeds—"typically experience precipitous declines" in price. But between 2000 and 2008, Moss writes, "real seed costs [for farmers] increased by an average annual rate of five percent for corn, almost 11 percent for cotton, and seven percent for soybeans." And for most of those years, she adds, growth in the price farmers were receiving for their crops didn't match growth in the price they were paying for their seeds—suggesting a possible squeeze on farmers by the seed industry. Figures supplied me by the Center for Food Safety's Bill Freese (from USDA data) show that price increases have continued in the years since Moss' study.

There's also evidence that farmers lack access to lower-priced seeds. In 2010, University of Illinois researcher Michael Gray [surveyed](#) farmers in seven agriculture-intensive counties of Illinois. He asked them if they had access to high-quality corn seeds that weren't genetically

modified to contain Monsanto's Bt insecticide trait. In all seven counties, at least 32 percent of farmers said "no." In one county, 46.6 percent of farmers reporting having no access to high-quality non-Bt seed. For them, apparently, they had little choice but to pay Monsanto's high prices for Bt seeds, whether they needed them or not.

Finally, a competitive market might be expected to be characterized by a high level of innovation—especially a market as high tech as GM seeds. But as the Center for Food Safety's Freese pointed out to me, the main GM traits we see in the field today are the same as those we saw in the 1990s, when GMOs were rolled out: herbicide resistance and Bt. The industry's much-heralded next big products—[corn and soy engineered to withstand more toxic herbicides than Monsanto's Roundup](#)—is really just more of the same, intensified: herbicide resistance on steroids. Monsanto did roll out a "drought-resistant" corn variety last December—but the [USDA itself](#), citing Monsanto's own data, [found it to be rather underwhelming](#).

A high degree of concentration, high and rising prices, limited choice, stagnant innovation—these are the hallmarks of an uncompetitive industry. Monsanto itself vigorously disputes claims of market power (see [here](#) and [here](#)). Perhaps the Department of Justice's antitrust regulators considered all of this and had good reasons for ending its investigation with a thud and no action. We can't know until they show us their work.



Food safety group calls for court to limit GMO seed patents

By Carey Gillam

Monday, December 10, 2012

(Reuters) - Patent protection for genetically modified corn, soybeans and other crop must be limited so farmers can save their seeds and protect themselves against litigation, a public interest group said in a filing with the U.S. Supreme Court on Monday in a case involving global seed giant Monsanto Co.

The case that the high court will hear next year involving an Indiana soybean farmer Vernon Bowman is but a "microcosm of a systemic problem," and the outcome of the case could have far-reaching impacts as Monsanto and other biotech seed developers expand their dominance of agricultural seeds, according to the Center for Food Safety (CFS), which filed the [amicus brief](#) Monday in support of Bowman.

"It is a really critical moment for the court in terms of plant patenting," said CFS attorney Andrew Kimbrell. "Patenting should not interfere with a farmer's right to save seeds. They should not resell them or repackaging them or become competitors of Monsanto, but the seed they buy they should be able to use them in a natural way for planting. This is not only about farmer rights, it's about farmer survival."

Monsanto and other seed developers charge premiums for their genetically altered seeds and closely guard use of the seeds carrying technological traits such as herbicide resistance. Monsanto requires growers to use the seeds only for a single crop, and prohibits them from saving the second-generation seeds from the harvested crop, ensuring farmers buy new seeds each season.

"The U.S. patent system protects - and should protect - the rights to easily replicated technologies like herbicide-tolerant seeds, just as it does for those who invent computers or life-saving medicines," said David Snively, executive vice president and general counsel for Monsanto in a statement.

But in its brief, CFS said it was illogical to argue that farmers' "non-inventive activities of planting and harvesting" were equal to a scientist inserting non-plant genetic material into plant DNA.

"Planting seed in the normal course of farming and having it reproduce is vastly and fundamentally different than genetic engineering," the brief states.

The case dates to 2007 when Monsanto sued for infringing its seed patents. Bowman said he bought the seeds as part of an undifferentiated mix of "commodity" seeds from a grain elevator, and that farmers had used such seeds for planting for decades. Commodity seeds come from

farms that use biotech seeds as well as those that do not. No licensing agreements are required with the sale of such seeds.

Bowman argued that he should be able to use those second-generation seeds for a natural and foreseeable purpose of planting and that Monsanto's patent rights were exhausted after its initial sales of the seeds. Monsanto prevailed and Bowman was ordered to pay more than \$84,000 in damages.

Bowman is one of more than a hundred farmers sued by Monsanto in recent years over unauthorized use of its seed technology. Many farmers favor the technology because it allows them to spray herbicide directly over crops to kill weeds and certain biotech crops more easily fight off damaging pests.

In its brief Monday, the Center for Food Safety said the current intellectual property environment related to transgenic crops has spurred a substantial privatization and concentration of the world's seed supply that has resulted in 10 multinational corporations holding approximately 65 percent of commercial seed for major crops.

Last year a group of organic and family farmers sued Monsanto over similar issues, saying the pervasiveness of genetically modified crops elevates the risk of contamination of their crops with patented GMO traits, and raises the risk they will be sued by Monsanto for patent infringement. Their suit challenged the validity of Monsanto transgenic patents and sought pre-emptive court protection from lawsuits that might be brought by Monsanto if its biotech traits were found in their fields.

U.S. District Court Judge Naomi Buchwald, for the Southern District of New York, threw out the case and criticized the groups for a "transparent effort to create a controversy where none exists. The plaintiffs appealed, and a hearing in the case - Organic Seed Growers & Trade Association vs. Monsanto - is scheduled before the Court of Appeals for the Federal Circuit in Washington on January 10.

December 21, 2012

Engineered Fish Moves a Step Closer to Approval

By ANDREW POLLACK



Government regulators moved a big step closer on Friday to allowing the first genetically engineered animal — a fast-growing salmon — to enter the nation’s food supply.

The Food and Drug Administration said it had concluded that the salmon would have “no significant impact” on the environment. The agency also said the salmon was “as safe as food from conventional Atlantic salmon.” While the agency’s [draft environmental assessment](#) will be open to public comment for 60 days, it seems likely that the salmon will be approved, though that could still be months away.

The environmental assessment is dated May 4. It is unclear why it took until now for it to be released, but supporters of the salmon say they believe it is because the Obama administration was afraid of an unfavorable consumer reaction before the election in November.

Environmental and consumer groups quickly criticized the federal agency’s conclusions.

“The G.E. salmon has no socially redeeming value,” Andrew Kimbrell, executive director of the Center for Food Safety, a Washington advocacy group opposed to farm biotechnology, said in a

statement. “It’s bad for the consumer, bad for the salmon industry and bad for the environment. F.D.A.’s decision is premature and misguided.”

But the decision was long in coming. AquaBounty Technologies, the company that developed the salmon, has been trying to win approval for more than a decade.

“We’re encouraged by this,” Ronald Stotish, the chief executive of AquaBounty, said on Friday. However, he added, “We’re not so foolish as to be wildly enthusiastic” that Friday’s action will definitely lead to approval. Among other things, some members of Congress have tried to block the agency from approving the fish.

The AquaAdvantage salmon, as it is called, is an Atlantic salmon that contains a growth hormone gene from the Chinook salmon and a genetic switch from the ocean pout, an eel-like creature. The switch keeps the gene on so that the salmon produces growth hormone year round, rather than only during warm weather. The fish reach market weight in about 18 months instead of three years.

The F.D.A. tentatively concluded in September 2010 that the salmon would be safe to eat and for the environment. A committee of outside advisers, while finding some shortcomings in the analysis, did not contradict those conclusions in general.

The agency then embarked on a more detailed environmental analysis that has now come to the same conclusions.

The main concern addressed was whether the genetically engineered salmon could escape and establish themselves in the wild, with detrimental environmental consequences. The larger salmon, for instance, could conceivably outcompete wild Atlantic salmon for food or mates.

The agency said the chance this would happen was “extremely remote.” It said the salmon would be raised in inland tanks with multiple barriers to escape. Even if some fish did escape, the nearby bodies of water would be too hot or salty for their survival. And reproduction would be unlikely because the fish would be sterilized, though the sterilization technique is not foolproof.

The agency also said that approval of the salmon would have no effect on endangered species, including wild Atlantic salmon. The National Marine Fisheries Service and the Fish and Wildlife Service did not disagree.

AquaBounty produces its eggs at a facility in Prince Edward Island, Canada. The eggs are shipped to the highlands of Panama, where the fish are grown to market weight.

The federal agency said that other facilities for growing the salmon would require separate approvals. It also noted that it did not assess how the salmon would affect the environment in Panama and Canada, only in the United States.

Opponents said that the agency should do a more complete environmental impact statement. They also said that not enough samples were studied to conclude that the fish would be safe to eat.

Scientists and companies working on animal biotechnology had complained that the failure to approve the salmon was discouraging investment in the industry.

An [article in Slate](#) earlier this week said the White House had been delaying release of the environmental assessment for political reasons, violating the Obama administration's pledge to make decisions based on science. The environmental assessment was released soon afterward.

An agency spokesman declined to comment on the delay. He said it was not possible to predict when a final decision on the salmon would be made.

The F.D.A. is likely to take weeks or months to analyze the comments it receives. Even if it then affirms the conclusions released Friday, that would be a decision that a bigger environmental impact statement is not needed. The agency would still have to take a separate step to approve the salmon for introduction into the food supply, although it is thought there are no other important issues outstanding.

Mr. Stotish of AquaBounty said that if the approval came early next year, some salmon could reach American dinner plates late next year. But quantities would be limited by the small capacity in Panama. AquaBounty hopes to sell eggs to other fish farms that would grow larger quantities of salmon, but that is likely to take a few more years.

AquaBounty has argued that the faster growth of its fish makes it feasible to rear them in inland tanks rather than ocean pens, reducing the environmental impact. "That allows us not to disturb the oceans whatsoever," said Elliot Entis, the founder of AquaBounty.

Mr. Entis, who no longer works for the company, has formed a new company to rear the salmon in the United States.

AquaBounty, which is based in Maynard, Mass., nearly ran out of money waiting for the salmon to be approved.

Kakha Bendukidze, an investor from the nation of Georgia who owned nearly half the company's stock, sold his holdings in October to Intrexon, an American company. Intrexon, which is offering to buy the rest of AquaBounty, is providing it with a \$500,000 loan.

Intrexon is working on synthetic biology, which is sort of a souped-up form of genetic engineering. It is not clear yet how it plans to apply that technology to AquaBounty's fish.

SFGate

FDA proposes new rules for food safety

By Stacy Finz

Friday, January 4, 2013



California spinach was identified as the culprit in a fatal 2006 outbreak of E. coli. Photo: David Royal, AP

The Food and Drug Administration on Friday proposed wide-ranging rules to prevent the spread of food-borne illnesses like the 2006 E. coli outbreak caused by contaminated California spinach that killed at least three people and sickened as many as 205.

The planned regulations - additional rules are pending - come two years after Congress passed the Food Safety Modernization Act, said to be the first major overhaul intended to prevent contamination in produce and processed foods since 1938. In addition to spinach, a spate of other illnesses tied to eggs and peanut butter was the impetus for the 2011 law.

"The FDA Food Safety Modernization Act is a common-sense law that shifts the food safety focus from reactive to preventative," Kathleen Sebelius, the secretary of health and human services, said in a written statement. "With the support of industry, consumer groups and the bipartisan leadership in Congress, we are establishing a science-based, flexible system to better prevent food-borne illness and protect American families."

One in 6 Americans gets sick from eating contaminated food each year, according to the government, which estimates that of those sickened, 130,000 are hospitalized and 3,000 die. The FDA oversees the majority of the food that the nation eats.

Government health officials estimate that the new regulations could cost farmers and food companies \$1.1 billion a year, although it's unclear how or if those added costs will be passed on to consumers.

Enormous impact

"These rules are amplification of what has been talked about since the mid-'90s," said William Marler, a leading lawyer on food-borne illnesses who represented 105 plaintiffs in a lawsuit against Dole, Mission Organics and Natural Selection Food in the 2006 E. coli case, which was settled for tens of millions of dollars.

"They're going to have an enormous and positive impact on the leafy green and fruit and vegetable industry in which California is a world leader," he said. "It should in the long run not only be good for the consumer, but for the industry. When one of these big outbreaks happens, it costs hundreds of millions of dollars in lawsuits, lost business and bad publicity."

The federal agency's first rule calls for manufacturers to develop a formal plan to prevent food sold in the United States from causing a food-borne illness, including pinpointing and adopting measures that would snuff out contamination. The proposal would also require food makers to rectify any problems that arise.

The second rule proposes enforceable safety principles for the production and harvesting of produce on farms, including science- and risk-based standards.

Took too long

Senior lawyer George Kimbrell of San Francisco's [Center for Food Safety](#) said that although he's delighted there finally has been some movement, the rule proposals took too long. In August the nonprofit health and consumer-interest group filed suit against the FDA for missing its deadline to finalize the set of regulations.

"We're talking about human health and safety, life and death," he said. "If you have law and don't implement it, it's an empty vessel."

Kimbrell said he hopes the government moves quicker on the remaining regulations needed to fulfill the food safety act's requirements.

"Sometimes you have to light a fire under an agency with litigation to get them to move," he said. "It's a good start they have finally taken some tardy action, although there is much, much more to be done. We will continue to keep the pressure on them until they comply with Congress' orders."

In the meantime, the FDA is seeking public comment on its proposals, detailed in more than 1,000 pages on its website (www.fda.gov). The agency plans to give farmers and food manufacturers from a year to more than 26 months - depending on the operation and its size - to come into compliance after the requirements are published in the Federal Register.

"We know one-size-fits-all rules won't work," Michael Taylor, the FDA's deputy commissioner for foods and veterinary medicine, said in a written statement. "We've worked to develop proposed regulations that can be both effective and practical across today's diverse food system."



One proposed rule would establish enforceable safety principles for the production and harvesting of produce on farms. Photo: Michael Maloney, SFC

Food Safety News

Breaking news for everyone's consumption

Organics “Thrown Under the Bus” in Farm Bill Extension, Say Industry Advocates

By Cookson Beecher | January 6, 2013

“We’ve been thrown under the bus.” That’s how some organic farmers and advocates are describing the government’s “eleventh-hour” decision on Jan. 1 to extend the 2008 farm bill for 9 months instead of enacting a new 2012 farm bill.

Their dismay is based on how organics fared when the 2008 farm bill [was extended until September 2013 \(Section 701\)](#). Pure and simple, mandatory funding for a variety of organic programs written into the 2008 farm bill didn’t qualify for automatic inclusion into the farm bill extension.

That outcome is in contrast to the proposed Senate and House versions of the 2012 farm bill, hammered out last summer, that had included funding for all of the organic programs (except for one in the House version).

One reason for extending the 2008 farm bill was that there just wasn’t enough time to enact a 2012 farm bill, especially in light of all of the frenzied work Congress was putting into keeping the nation from toppling over the [tax side of the fiscal cliff](#). The other factor was that House leadership worried about possible infighting over cuts to food stamps and subsidy programs.

Lost programs

Among the organic programs that weren’t included in the extension of the 2008 farm bill are those that fund organic research and extension, cost share to become certified as organic, and an organic data collection system — the same sort of data collection system that has long been a mainstay for conventional agriculture and that qualified to receive continued funding.

Organic farmers say that these programs have helped them be more productive and better at marketing their goods to meet the growing demand for their crops, milk, meats and other products.

“This is a huge loss for the organic sector,” Barbara Haumann, spokesperson for the Organic Trade Association, told **Food Safety News**. “The cuts are severe. It will impact farmers who use safer practices and could discourage some farmers because of the loss of cost-share for certification.”

USDA’s [cost-share programs](#) make certification more affordable for small- and mid-sized organic farmers and handlers by reimbursing them for as much as 75 percent—up to a maximum

of \$750 a year—for their certification costs. Eligible costs include application fees, inspection fees, travel for certification inspectors, and even postage.

Created in 2002, the National Organic Certification Cost Share Program was designed, in part, to recognize the public benefits of organic agriculture to environmental stewardship, according to the USDA. The program received \$22 million in mandatory funding over 5 years in the 2008 farm bill.

Turning to research, Haumann said that the 2008 farm bill marked an important step forward for organic research. She called the loss of that funding “a real blow.”

“Cooperative Extension (a nationwide network that operates through certain universities in each state to provide research-based information to agricultural producers, among others) was working with organic farmers,” she said. “It wasn’t that long ago, that there was no funding for organics. We don’t want to lose ground.”

USDA’s National Institute of Food and Agriculture, the federal partner in the Cooperative Extension System, provides federal funding to the system.

In the 2008 farm bill, the Organic Agriculture Research and Extension Initiative was funded at \$18 million for fiscal year 2009 and \$20 million for fiscal years 2010-12, plus a \$25-million-per-year authorization for appropriations

According to the [National Organic Coalition](#), USDA research programs have not kept pace with the growth of organic agriculture in the market place. Compared to the amount of research dollars going to other sectors of the industry, organics gets significantly less proportionately when looking at the nearly 4 percent of total U.S. food retail market it represents.

“As our economy struggles to rebuild, organic agriculture is a bright spot that is clearly part of the solution,” said Steven Etko, legislative coordinator for the National Organic Coalition.

Organic farmer Anne Schwartz, owner of Blue Heron Farm in Western Washington, told **Food Safety News** that Washington State University alone has 150 research projects focused on organic and sustainable farming, including a 30-acre showcase organic farm.

“We’ve made an impact,” she said, referring to strides organic producers have made. “But right now research is funded at the federal level. When we lose federal funding for that, we’re in trouble, and they know it.”

Pointing to another program that lost funding in the 9-month extension, Haumann said that the Organic Production and Marketing Data Initiative has been “a wonderful help” for organic farmers and businesses because it helps keep track of what organic crops or livestock are being raised and where and what their costs are.

“It helps producers and buyers make business decisions across the board,” she said. “And it helps encourage investors when they see how much organics is growing.”

The 2008 farm bill provided \$5 million in mandatory funding for the collection and publication of the data.

As far as Haumann is concerned, organic agriculture “is not getting its fair share in the extension of the 2008 farm bill to encourage good practices that produce food that many families want to buy.”

“A slap in the face and anti-people,” said Schwartz referring not just to what the loss in funding means to the organic sector but also to the general public, which benefits from the environmental stewardship and the boost to regional economies, biodiversity, and food security that organic agriculture offers.

Irony twist

Instead of reforming U.S. agricultural policy, as had been proposed in the Senate and House versions of the 2012 farm bill, the 9-month extension of the 2008 version includes \$5 billion for subsidies and direct payments. These are payments typically doled out, farm bill after farm bill, to certain farmers (among them corn, soybeans, wheat and rice farmers).

In contrast, the House and Senate versions of the 2012 farm bill had called for eliminating the subsidies. The reasoning behind that proposed change was that the commodity farmers were doing well financially and didn't need them. Apart from farm policy, proposed cost-cutting measures in the farm bill were seen as a way to help fix the nation's budgetary woes. For example, the Senate bipartisan version of the 2012 Farm Bill called for cuts of \$24 billion in spending.

After the 2008 bill was extended, U.S. Sen. Debbie Stabenow, chairwoman of the Senate Agriculture, Nutrition and Forestry Committee, made it clear that she wasn't pleased with the outcome, describing it as “a partial extension that reforms nothing, provides no deficit reduction, and hurts many areas of our agriculture economy.”

As for why some of the organic programs weren't included in the extension of the 2008 Farm Bill, it all comes down to something called the “budgetary baseline.” According to a [Congressional Research Service Report](#), 37 programs that received mandatory funds in the 2008 farm bill weren't eligible to continue receiving them because they didn't have what is referred to as a “budgetary baseline” beyond FY2012. If policymakers want to continue these programs in the 2012 farm bill, they will need to find offsets to pay for them.

No easy task, say organic advocates, who point out that any requests for new appropriations will be part of the national debate on spending cuts, entitlement reform and the debt ceiling. In addition, the 2012 farm bill will need to go through committee mark-up and onto the House and Senate floors before it can be enacted into law.

Even so, the [Organic Trade Association](#) has vowed to lead the direct-advocacy effort for these critical programs, according to a news alert sent out to members.

What about food safety?

Although food safety is generally thought of as keeping [food free of dangerous pathogens](#) such as E. coli, Salmonella, or Listeria, organic farmers and consumers view food safety from an additional perspective. For them, for food to be safe, it must also be free from pesticide residues and genetically modified organisms and cannot be raised using synthetic chemicals, compost that contains pathogens, or sewage sludge. Or, in the case of meat, poultry and fish, the animals, or fish, can't be treated with antibiotics or growth hormones.

These are just some of the standards that organic producers must meet to qualify for certification under USDA's National Organic Program, which allows them to sell their products bearing the agency's official organic seal. That seal gives them an important boost in the marketplace, where some consumers are more than happy to pay higher prices for food that has been raised organically.

Lisa Bunin, organic policy director for [The Center for Food Safety](#) told **Food Safety News** that organically grown food is the only food that is legally mandated to safeguard natural resources such as the soil and water, human health, animal welfare, and the environment.

As an example of that, a [legal guide](#) by the National Agricultural Law Center about the National Organic Program points out that legislation specifically says that the plant and animal materials must be managed by the producer "to maintain or improve soil organic matter content in a manner that does not contribute to contamination of crops, soil, or water by plant nutrients, pathogenic organisms, heavy metals, or residues of prohibited substances."

According to a [fact sheet](#) from the Organic Farming Research Foundation organic agriculture — a \$29 billion industry in the United States in 2010 with more than 14,500 organic farmers in its ranks — is one of the fastest growing sectors of U.S. agriculture. For 10 years, the industry grew at an enviable average annual rate of 20 percent, and even during the recent recession, continued to enjoy positive growth.

It rankles

The [National Sustainable Agriculture Coalition](#), which represents family and smaller-sized farmers, rankled at the decision to extend the 2008 farm bill.

"The message is unmistakable — direct commodity subsidies, despite high market prices, are sacrosanct, while the rest of agriculture and the rest of rural America can simply drop dead," said the organization in a statement.

For Mark Kastel, co-founder of The Cornucopia Institute, a populist farm policy research group, the loss of funding for some critical organic programs in the extension of the 2008 farm bill goes beyond whether organic food is safer or more nutritious than conventionally grown food. While that debate is important, he pointed out that there's also this economic reality to consider: It (the extension) flies in the face of the free-market system the United States' economy is purportedly based on.

“It (the 2008 farm bill extension) undercuts where markets are going,” Kastel told **Food Safety News**. “Instead, with this extension, we have the government giving more money (in direct payments) to commodity farmers even though they don’t need payments now because they’re doing well. They’re ignoring what the consumers are voting for in the marketplace. It’s assbackwards. It’s undermining our capitalistic structure and free markets. We’re having the government pick and choose the winners.”

Kastel also pointed out that what organics receives in federal support is “peanuts” compared to the subsidies and other support that conventional agriculture typically receives through the nation’s farm bills and agricultural policy.



Dow's controversial new GMO corn delayed amid protests

Friday, January 18, 2013

By Carey Gillam

Jan 18 (Reuters) - A controversial new biotech corn developed by Dow AgroSciences, a unit of Dow Chemical, will be delayed at least another year as the company awaits regulatory approval amid opposition from farmers, consumers and public health officials.

Dow AgroSciences officials said Friday that they now expect the first sales of Enlist for planting in 2014. Previously officials had set the 2013 planting season as a target, but U.S. farmers are already buying seed for planting this spring, and Dow has yet to secure U.S. approval for Enlist.

Dow wants to roll out Enlist corn, and then soybeans and cotton to be used in combination with its new Enlist herbicide that combines the weed-killers 2,4-D and glyphosate. The Enlist crops are genetically altered to tolerate treatments of the Enlist herbicide mixture. The hope is that Enlist will wipe out an explosion of crop-choking weeds that have become resistant to glyphosate alone.

Opponents have bombarded Dow and U.S. regulators with an array of concerns about Enlist, which is intended to replace Monsanto Co.'s successful Roundup Ready system. Genetically altered Roundup Ready corn and soybeans now dominate the U.S. corn and soybean market.

But as Roundup Ready crops have gained popularity, millions of acres of weeds have developed resistance to Roundup herbicide, causing farmers to use higher quantities of Roundup and other herbicides to try to beat back the weeds.

Critics warn that adding more herbicides to already resistant weed populations will only expand and accelerate weed resistance. Some have likened the problem to a "chemical arms race" across farm country.

"Weed resistance to chemical herbicides is one of the biggest problems farmers now face, and that is a direct result of converting so much of our farmland to herbicide-resistant GE (genetically engineered) crops," said Marcia Ishii-Eiteman, senior scientist at Pesticide Action Network. "We need to get out of this futile chemical arms race fast."

Earlier this month, Kansas State University scientists said they have found evidence that some more weed types have developed resistance to glyphosate. Researchers said they sprayed two common weed types, Waterhemp and Palmer amaranth, with up to four times the typical field use for glyphosate and the weeds would not die.

Next month the Weed Science Society of America will examine the weed resistance problems at a meeting in Baltimore.

Dow's Enlist herbicide is also controversial because 2,4-D, or 2,4-Dichlorophenoxyacetic acid, was one of the ingredients in Agent Orange, the Vietnam War defoliant that was blamed for numerous health problems suffered during and after the war. Although the main health effects of Agent Orange were blamed on the other component of the mixture (2,4,5-T) and dioxin contamination, critics say 2,4-D has significant health risks of its own.

Several medical and public health professionals have sent a letter to the U.S. Department of Agriculture warning of health threats that could accompany an increase in 2,4-D use.

But Dow officials said Friday that its product is needed soon as market research shows that cropland acres infested with glyphosate-resistant weeds increased 80 percent over the past two years.

As it awaits regulatory approval, Dow said it would showcase the Enlist system in five technology centers established in the U.S. Midwest and U.S. South to train farmers and seed sellers on Enlist's application and management. It also said it will offer more than 100 small Enlist field plots at seed company and retail locations and it is hoping to also set up on-farm "experience plots" to demonstrate the product.

Dow said it plans on receiving U.S. regulatory approval this year and will "ramp up" seed production and its supply of Enlist herbicide to support commercial sales starting in late 2013 for 2014 planting. Canada granted regulatory approval in October.

"We are committed to introducing this technology responsibly and sustaining it for the long term," Dow AgroSciences U.S. commercial leader Damon Palmer said in a statement.

Critics said they hoped the U.S. Department of Agriculture and Environmental Protection Agency are taking a hard look at the potential problems associated with Enlist.

"Those of us who have concerns about this are all kind of holding our breath... wondering one way or other what is going to happen with this," said Doug Gurian-Sherman, senior scientist in the food and environment program with the Union of Concerned Scientists.

Gurian-Sherman said Enlist represents a "head-in-the-sand" approach to weed resistance. As well, an array of health and environmental concerns associated with 2,4-D deserve strict regulatory scrutiny, he said.

Many also worry that the new biotech crops will contaminate conventional and organic crops.

"There are just some huge questions that Enlist and some of these other crops have," he said.

The USDA has received more than 450,000 comments opposing approval of the 2,4-D tolerant cropping system, according to the Center for Food Safety, which opposes Enlist and has threatened to sue the government if it is approved.

Another Environmentalist Apologizes Over GMOs

01/18/2013, By Ken Cook, President, [Environmental Working Group](#)

I need to start by publicly apologizing for *not* engaging in the debate over genetically engineered crops, technically, genetically modified organisms or GMOs, until two years ago.

When I co-founded the Environmental Working Group in 1993, Mark Lynas was ripping up farmers' crops. Back then I dismissed people like Lynas, then affiliated with those who criticized GMOs. Their attacks did not seem grounded in science and did not approach our very real food and farming challenges with the same research-based intellectual rigor that we practice at EWG.

Nor did I fight beside smart organizations like the Environmental Defense Fund, Consumers Union and the Center for Food Safety to make the scientific case to the federal Food and Drug Administration in the late 1980s and early 1990s. We should have persevered even when FDA decisions left advocates with no way to raise scientific objections, as we do with pesticides.

At the time, it seemed quixotic to campaign against GMOs. The FDA and USDA were blithely rolling on their backs for multinational corporations that were poised to reap billions of dollars in profit from the technology.

Now I see the error of my ways.

Had I paid more attention, I might have foreseen how badly this technology would go awry. Toxic chemicals would be slathered on crops to battle GMO-resistant pests and weeds. According to a recent study by Washington State University professor of agriculture Chuck Benbrook, the use of herbicides [has increased by 527 million pounds](#), or 11 percent, since 1996, as more and more GMO crops have been planted.

I might have been prescient enough -- given EWG's experience with Monsanto -- to recognize that the company's assertions that GMOs were viable were not to be trusted.

And I totally missed the boat by failing to anticipate that GMO technology, as much as misguided government policies, has driven the spread of corn and soybean monoculture across millions of acres of American farmland. In the last four years, farmers have [plowed up](#) more than 23 million acres of wetlands and grasslands -- an area the size of Indiana -- to plant primarily corn and soybeans.

Oddly enough, Lynas did not extend an apology to the farmers whose crops he destroyed. And while he's apologizing to those farmers, he should apologize to the organic farmers he falsely impugns by suggesting organic food is less safe than food manipulated by scientists in Monsanto lab coats.

Regarding the safety of organics, Benbrook [says](#):

"The most significant, proven benefits of organic food and farming are: (1) a reduction in chemical-driven, epigenetic changes during fetal and childhood development, especially from pre-natal exposures to endocrine disrupting pesticides, (2) the markedly more healthy balance of omega-6 and -3 fatty acids in organic dairy products and meat, and (3) the virtual elimination of agriculture's significant and ongoing contribution to the pool of antibiotic-resistant bacteria currently posing increasing threats to the treatment of human infectious disease."

Lynas drives home a fact that many of us know: to continue to feed the world's booming population, we must intensify crop production. Yet even the United Nations, in a recent report, [notes](#) that "in order to grow, agriculture must learn to save" and highlights that herbicides can be replaced with sustainable practices like integrated weed management. While Lynas claims to have discovered science, he seems to have missed the fact that feeding the world would be a lot easier if more crops were consumed by people rather than by animals or by cars burning environmentally-damaging ethanol.

The truth is, the scientific community has not reached a consensus on GMOs. Experts have grave doubts about the "coordinated framework" the U.S. government employ to review GMO crops. Several smart people, among them journalists [Jason Mark](#) and [Tom Philpott](#) and the Union of Concerned Scientists' [Doug Gurian-Sherman](#), have categorically debunked Lynas's claims that the science is settled.

What the science does conclusively show is that we don't need GMO crops to better manage water-polluting chemical fertilizer. So says the Leopold Center for Sustainable Agriculture, which [recently found](#) that a diverse crop rotation reduced nitrogen fertilizer use by 86 percent while maintaining yields. It concluded that diverse rotations "reduce the risk of creating herbicide-resistant weeds."

It turns out that we need better farmers and a better farm bill, not better seeds.

In short, I shouldn't have allowed unscientific, hysterical ideologues like Lynas to color my views about a fight clearly worth engaging -- and that we've belatedly launched -- on GMO labeling. At least with labeling, Lynas and I agree that consumers deserve, as he says "a diet of their choosing."

As this blog and others demonstrate, the debate about GMOs is not over. In fact, it's just begun. Millions of Americans came out in support of federal and state initiatives to require labeling on food with GMO ingredients in 2012, their momentum helping new initiatives, such as I-522 in Washington, sprout up in the new year.

Luckily, Lynas assures us we are "entitled" to our views. As Americans, we are also entitled to the right to know what we're buying, eating, and feeding our families. That right, and its surrounding dialogue, have yet to be silenced.

Jan 24, 2013

FISH FACTOR: Extra time sought to comment on AquaBounty salmon

LAINE WELCH, FOR THE JOURNAL

Fishing groups, consumers and health organizations are launching a final push to prevent genetically modified fish from getting the nod for American dinner plates.

During the holidays the Food and Drug Administration issued its environmental assessment concluding that the fish, tweaked to grow at least three times faster than normal, will not have any significant impacts on the human environment and is unlikely to harm wild stocks. The FDA's environmental green light is the last step before AquaBounty, the creators of so-called Frankenfish, can send the mutant to markets. The public has until Feb. 26 to send comments to the FDA.

Alaska Sens. Mark Begich and Lisa Murkowski have written to the FDA asking for a 60-day extension to the comment deadline, citing the holiday timing and new transitions in Congress. Senators from Washington, Oregon and Maryland also signed on to the comment extension request. No word yet on if the request has been granted.

Meanwhile, Begich said the agency is moving, "full steam ahead with fine-tuning its Frankenfish regulations," and he is not optimistic that public opinion will sway the federal OK.

Indeed. Late last year the federal government awarded a coveted \$500,000 research grant from the National Institute of Food and Agriculture to AquaBounty when the company disclosed it could run out of cash early this year. Over the past 16 years, AquaBounty has spent \$67 million to genetically tweak its "AquaAdvantage" Atlantic salmon and navigate the permitting processes.

Begich called the FDA's support of the mutant fish "totally misguided."

"I think the FDA is not equipped to understand the impacts this genetically engineered fish will have on the environment and ecosystem," he said in a recent teleconference.

That echoed earlier comments by Rep. Don Young and Murkowski, who called the FDA's actions "especially troubling since the agency is ignoring the opposition of fishing groups as well as more than 3,000 consumers and health organizations."

As of Jan. 18, there were 3,209 comments posted on the FDA regulation page — of the 15 pages of comments posted, not a single one spoke in support of the GM fish. The Alaska Legislature and state fishing groups have come out strongly against Frankenfish as has the National Humane Society, Center for Food Safety, among others.

“Can they move forward even with so much opposition by so many diverse groups? The sad answer to this is probably,” said Begich. “Still I encourage more people to make comments. I think the more comments the agency gets on the official record may slow them down or prevent them from moving forward.”

According to AquaBounty documents, the company plans to grow the modified Atlantic salmon eggs at a lab in Prince Edward Island, fly them to Panama where they will be raised at inland fish farms, and then shipped back for sale in the U.S. Prospective fish farmers are lined up in South Dakota, West Virginia, Wisconsin and Ohio.

Meanwhile, Alaska’s Congressional delegation intends to keep pressure on the FDA.

“We intend to reintroduce legislation that will deal with not allowing this product to come to market,” Begich said. “We will also deal with the labeling issue and some others. So if they think we are just going to roll over because they think they are a regulatory agency that just gives a check off and that’s good enough, they are mistaken.”

The Guardian newspaper in the UK quipped: If approved, the fish would be the world’s first modified animal “to make its way into the food chain, clearing the way for an entire menagerie of redesigns, from fast-growing trout and tilapia to the ‘enviro-pig,’ genetically altered to produce less polluting poo.”

Comments on Frankenfish can be sent to www.regulations.gov, Docket No. FDA-2011-N-0899.

theguardian

Indiana soybean farmer sees Monsanto lawsuit reach US supreme court

Who controls the rights to the seeds planted in the ground? A 75-year-old farmer takes the agricultural giant to court to find out

By Paul Harris in New York
Saturday, February 9, 2013



Monsanto insists it maintains patent rights on its genetically modified seeds even if sold by a third party with no restrictions put on its use.

Photograph: Jim Lo Scalzo/EPA

As David versus Goliath battles go it is hard to imagine a more uneven fight than the one about to play out in front of the US supreme court between Vernon Hugh Bowman and Monsanto.

On the one side is Bowman, a single 75-year-old Indiana soybean farmer who is still tending the same acres of land as his father before him in rural south-western Indiana. On the other is a gigantic multibillion dollar agricultural business famed for its zealous protection of its commercial rights.

Not that Bowman sees it that way. "I really don't consider it as David and Goliath. I don't think of it in those terms. I think of it in terms of right and wrong," Bowman told The Guardian in an interview.

Either way, in the next few weeks Bowman and Monsanto's opposing legal teams will face off in front of America's most powerful legal body, weighing in on a case that deals with one of the most fundamental questions of modern industrial farming: who controls the rights to the seeds planted in the ground.

The legal saga revolves around Monsanto's aggressive protection of its soybean known as Roundup Ready, which have been genetically engineered to be resistant to its Roundup herbicide or its generic equivalents. When Bowman – or thousands of other farmers just like him – plant Monsanto's seeds in the ground they are obliged to only harvest the resulting crop, not keep any of it back for planting the next year. So each season, the farmer has to buy new Monsanto seeds to plant.

However, farmers are able to buy excess soybeans from local grain elevators, many of which are likely to be Roundup Ready due to the huge dominance Monsanto has in the market. Indeed in Indiana it is believed more than 90% of soybeans for sale as "commodity seeds" could be such beans, each containing the genes Monsanto developed.

Bowman, who has farmed the same stretch of land for most of the past four decades and grew up on a farm, ended up on Monsanto's radar for using such seeds – bought from a local grain elevator, rather than Monsanto – for year after year and replanting part of each crop. He did not do so for his main crop of soybeans, but rather for a smaller "second late season planting" usually planted on a field that had just been harvested for wheat. "We have always had the right to go to an elevator, buy some 'junk grain' and use it for seed if you desire," Bowman said.

To put it mildly, Monsanto disagrees. The firm insists that it maintains patent rights on its genetically modified seeds even if sold by a third party with no restrictions put on its use – even if the seeds are actually only descendants of the original Monsanto seeds. To that end it sued Bowman, eventually winning a legal settlement of some \$84,456 (£53,500) against him for infringing the firm's patent rights. Monsanto says that if it allowed Bowman to keep replanting his seeds it would undermine its business model, endangering the expensive research that it uses to produce advanced agricultural products.

On a website the firm set up to highlight its arguments in the case, Monsanto insists a Bowman victory at the supreme court could "jeopardize some of the most innovative biotechnology research in the country" in industries that range from farming to medicine. It says protecting patent rights fully is vital to preserve a commercial incentive to develop and refine new products.

But Bowman has numerous supporters who believe his case could help reform aspects of commercial farming – that is now dominated by huge corporations rather than small or family-run business – to vital reforms. Bowman's legal team intends to argue that the case could open the industry to greater anti-trust scrutiny, arguing that large corporation's vice-like grip on farming and control of seeds needs to be loosened. "It opens up these transactions (buying seeds) to greater anti-trust scrutiny by the Department of Justice. Right now they are sheltered by patent trust protection," said Bowman's lawyer Mark Walters.

Campaign groups are also eager to back the case. This coming Tuesday, farming campaign groups the Center for Food Safety and Save Our Seeds will release a joint report examining the modern seeds industry. The organizations are enthusiastic backers of Bowman's cause. Debbie Barker, a program director for SOS, said a Bowman victory at the supreme court could nudge the industry towards opening up and treating seeds as a common resource, not a fiercely fought-over commercial battleground. "It would help with wider reforms," Barker said. SOS believes

Monsanto and other major firms are less concerned with protecting interests in research than in their lucrative business model. After all, just three firms now control more than 50% of the global seed market.

Yet, despite the vast sums of money involved in modern farming, it is ironically Bowman's own lack of cash that has seen the case end up at the supreme court. Monsanto has a long record of reaching settlements with commercially pressured farmers it targets for patent infringements. But when the firm sued Bowman, he was already bankrupt after an unrelated land deal went wrong. Thus, he had little to lose. "I made up my mind to fight it until I could not fight it anymore," he said. "I thought: I am not going to play dead."



Wednesday, February 13, 2013

Corporatizing Seeds of the Commons: Patents Enabling Big Ag Control

New report details how patents allow 'private companies to assert ownership over a resource that is vital to survival'

By Andrea Germanos

The paradigm shift that has transferred control of seeds from the commons to corporations has brought harmful consequences to farmers, seed diversity and the environment while making a few agricultural firms owners of the "irreplaceable element of all food," according to a report released Tuesday.



Collecting seed. (Photo: Jeremy Halls)

Entitled [Seed Giants vs. U.S. Farmers \(.pdf\)](#), the report from the [Center for Food Safety](#) and [Save Our Seeds](#) highlights how patents have enabled global corporate control over seeds, and how agricultural heavyweights are poised to follow in the steps of Monsanto in launching lawsuits against farmers for alleged seed patent infringement.

"Corporations did not create seeds and many are challenging the existing patent system that allows private companies to assert ownership over a resource that is vital to survival, and that, historically, has been in the public domain," stated Debbie Barker, Program Director for Save Our Seeds and senior writer for the report.

The report points to the tremendous control exerted by a handful of large agricultural corporations, creators of a "seed oligarchy":

Three agrichemical firms—Monsanto, DuPont, and Syngenta—now control 53 percent of the global commercial seed market. The top ten seed firms, with a majority stake owned by U.S. corporations, account for 73 percent.

In addition to contracts some firms require farmers to sign stating that they will not save the corporate-owned seeds, some contracts allow "intrusive invasion of farmer privacy," the report explains:

For example, Dow's technology agreement requires farmers to complete questionnaires for, and provide planting information to, company investigators. Farmers must also agree to give Monsanto their internet service provider records, purportedly to "validate Grower's electronic signature." Monsanto, Dow, and Syngenta agreements allow the companies to access records concerning farmers' activities held by third parties, such as the U.S. government. In particular, the agreements allow investigators to review USDA Farm Service Agency (FSA) crop reporting information, including aerial photos and farmer submissions, on any land farmed by the grower. [...]

Additionally, the agreements contain broad provisions giving seed companies access to any documents they deem to be necessary when investigating farmers. As one example, the Monsanto agreement obligates farmers: "To provide Monsanto copies of *any* [emphasis added] records, receipts, or other documents that *could be relevant* [emphasis added] to Grower's performance of this Agreement." This includes receipts for any chemicals or herbicides purchased, acreage reports, and aerial photographs. Growers have to produce these records seven days after written request. The breadth of this provision allows the company to obtain documents that are not necessarily directly related to a farmer's seed and permits investigators to assess a farmer's financial state prior to filing suit.

Other invasive aspects of the agreements include requiring farmers to identify and provide investigators access to all the farmer's land and facilities.

The report also documents how the use of genetically engineered (GE) seeds "has fundamentally altered farming for thousands of American farmers." And it is these GE seeds, implicated in the rise of "super weeds," that have been behind lawsuits targeting farmers.

The report comes a week before the U.S. Supreme Court hears the case *Bowman v. Monsanto Co.*, which pits Indiana soybean farmer [Vernon Hugh Bowman against Monsanto](#).

Seed Giants Sue U.S. Farmers Over Genetically Modified Seed Patents In Shocking Numbers: Report

The Huffington Post | By [Rachel Tepper](#) Posted: 02/13/2013



The Supreme Court will hear arguments Feb. 19 in "[Bowman v. Monsanto Co.](#)," a landmark court battle that has pitted farmer Vernon Hugh Bowman against the international agriculture corporation over the issue of seed patents. In anticipation, the Center for Food Safety and the Save Our Seeds campaigning groups released a report Tuesday detailing similar cases, titled "[Seed Giants vs. U.S. Farmers.](#)"

According to the report, Monsanto has alleged seed patent infringement in 144 lawsuits against 410 farmers and 56 small farm businesses in at least 27 U.S. states as of January of 2013. Monsanto, DuPont and Syngenta together hold 53 percent of the global commercial seed market, which the report says has led to price increases for seeds -- between 1995 and 2011, the average cost of planting one acre of soybeans rose 325 percent and corn seed prices went up 259 percent.

Seed patents are a type of biological patent, which are legally protected inventions or discoveries in biology. In the case of Monsanto and other major corporations, that often means patents on genetically modified seeds. In recent years, these and other companies have taken farmers to court for alleged seed patent infringement -- meaning they planted seeds without paying for them.

The issue gets murky when you consider that if a farmer plants legally purchased seeds, then replanted seeds culled from the resulting crop, he is [committing what some companies consider a crime](#).

In the case of "Bowman v. Monsanto Co.," Bowman allegedly replanted second-generation seeds that had been purchased legally from a licensed Monsanto distributor instead of buying new seeds. Monsanto claims that in doing so, Bowman was essentially stealing its product. Monsanto has won battles in several lower courts.

[Monsanto argues that its patents protect its business interests](#) and "provide a motivation for spending millions of dollars on research and development of hardier, disease-resistant seeds that can boost food yields," The Guardian writes.

But Bill Freese, an author of the report and senior scientist at the Center for Food Safety, says in a press release that [claims that the patents create better crops are hogwash](#). "Most major new crop varieties developed throughout the 20th century owe their origin to publicly funded agricultural research and breeding," Freese writes.

Crop diversity has gone down dramatically in recent years, which some attribute to the emergence of agricultural mega companies. The report notes that 86 percent of corn, 88 percent of cotton and 93 percent of soybeans farmed in the U.S. are currently genetically-engineered strains.

Read the full report [here](#) (PDF).

Los Angeles Times

OP-ED

Monsanto, the court and the seeds of dissent

Should Monsanto, or any corporation, have rights to a self-replicating natural product?



A farmer is seen holding Monsanto's Roundup Ready soybean seeds at his family farm in Bunceton, Mo. (Dan Gill / Associated Press / July 5, 2008)

By George Kimbrell and Debbie Barker

February 19, 2013

On Tuesday, attorneys for the largest agrochemical corporation in the world, Monsanto, will present arguments before the Supreme Court asserting the company's rights to the generations of seeds that naturally reproduce from its genetically modified strains. *Bowman vs. [Monsanto Co.](#)* will be decided based on the court's interpretation of a complex web of seed and plant patent law, but the case also reflects something much more basic: Should anyone, or any corporation, control a product of life?

The journey of a 75-year-old Indiana farmer to the highest court in the country began rather uneventfully. Vernon Hugh Bowman purchased an undifferentiated mix of soybean seeds from a grain elevator, planted the seeds and then saved seed from the resulting harvest to replant another crop. Finding that Bowman's crops were largely the progeny of its genetically engineered proprietary soybean seed, Monsanto sued the farmer for patent infringement.

The case is a remarkable reflection on recent fundamental changes in farming. In the 200-plus years since the founding of this country, and for millennia before that, seeds have been part of the

public domain — available for farmers to exchange, save, modify through plant breeding and replant. Through this process, farmers developed a diverse array of plants that could thrive in various geographies, soils, climates and ecosystems. But today this history of seeds is seemingly forgotten in light of a patent system that, since the mid-1980s, has allowed corporations to own products of life.

One of Monsanto's arguments is that when farmers save seed from a crop grown from patented seed and then use that seed for another crop, they are illegally replicating, or "making," Monsanto's proprietary seeds instead of legally "using" the seeds by planting them only one time and purchasing more seeds for each subsequent planting.

This logic is troubling to many who point out that it is the nature of seeds and all living things, whether patented or not, to replicate. Monsanto's claim that it has rights over a self-replicating natural product should raise concern. Seeds, unlike computer chips, for example, are essential to life. If people are denied a computer chip, they don't go hungry. If people are denied seeds, the potential consequences are much more threatening.

Although Monsanto and other agrochemical companies assert that they need the current patent system to invent better seeds, the counterargument is that splicing an already existing gene or other DNA into a plant and thereby transferring a new trait to that plant is not a novel invention. A soybean, for example, has more than 46,000 genes. Properties of these genes are the product of centuries of plant breeding and should not, many argue, become the product of a corporation. Instead, these genes should remain in the public domain.

The seed industry also claims that if patents are made narrower in scope, innovation, such as devising environmentally sustainable ways to farm, would be stifled. However, evidence casts doubt on the prevalent assumption that positive environmental impacts have resulted from their seed technologies.

Take the example of the genetically engineered soybean in question. Its innovative trait is that it is resistant to the herbicide Roundup, whose primary ingredient is glyphosate. However, weeds are developing a rapid resistance to glyphosate.

In January, Farm Industry News reported that the area of U.S. cropland infested with glyphosate-resistant weeds expanded to 61.2 million acres in 2012. These "super weeds" are gaining momentum, increasing 25% in 2011 and 51% in 2012.

In response, farmers resort to more soil-eroding tillage operations to combat the weeds, and they turn to more toxic chemicals. Based on data from the USDA, as much as 26% more pesticides per acre were used on genetically engineered crops than on conventional crops.

And what is the industry's response? Monsanto is planning to seek approval for dicamba-resistant soybeans, corn and cotton. Dow AgroSciences is seeking USDA approval of soybeans and corn resistant to 2, 4-D, an active ingredient in Agent Orange. It is difficult to understand how such innovation is enhancing the environment.

Finally, the agrochemical industry claims that its seed innovation has provided farmers more choices. Yet the market concentration of 10 agrochemical companies owning about two-thirds of global commercial seed for major crops has narrowed the choice of seeds for farmers and resulted in higher seed prices. Over an 11-year period, the cost per acre of planting soybeans has risen a dramatic 325%.

Our organizations interviewed hundreds of farmers across the nation for a recent report, "Seed Giants vs. U.S. Farmers." They explained that the high adoption rate of genetically engineered seed is largely because the companies have stopped offering conventional seed. One way to recoup the high investment that Monsanto and others say is spent on genetic engineering is to ensure that farmers have few other purchasing options.

When arguments from both sides have been presented, the Supreme Court justices will have to thoroughly consider the many complexities of patent law as it pertains to self-replicating organisms. But taking a few steps back from the microscope and the lawbooks, they may find that there is a discussion to be had about a much deeper question: the appropriate role of ownership and control over the very elements of life.

George Kimbrell is the senior attorney at the Center for Food Safety and Debbie Barker is the program director of Save Our Seeds and the international director of the Center for Food Safety.

Master Gardeners: Indian Valley Organic Farm a good place for soil, produce and farmers

By Nanette Londeree
UC Marin Master Gardeners

September 15, 2012



Verdant fields are dotted with colorful blooms in late summer at the Indian Valley Organic Farm & Garden in Novato.
Provided by Jenna Braeger

HIKING ALONG the eastern end of the Indian Valley fire road, the vista opens up to bucolic rolling hills studded with majestic oak trees. Nestled in this sun-drenched haven is an unexpected vision an active, bustling farm brimming with seasonal produce and spectacular flowers. Amble by and you'll find a place to cultivate good soil, food and farmers — the Indian Valley Organic Farm & Garden at College of Marin's Indian Valley campus in Novato.

If you've cultivated edibles at home, you know how gratifying it can be to plant, nurture, harvest and enjoy your own home-grown food — be it from a patio planter stuffed with aromatic herbs or full-out beds that produce enough to feed a neighborhood.

Acquiring the knowledge and skills for successful food gardening can be a hand-me-down family affair, self-taught through trial and error, instruction-based from a variety of sources or a combination of any or all of these. Marin is now the beneficiary of an extraordinary resource that

provides time-tested and newly developed technologies in organic landscape, farming and gardening that are taught in both indoor and outdoor settings. Offerings are designed to meet the needs of industry professionals as well as the enthusiastic home gardener.

Launched in the spring of 2009, the 5.8-acre certified organic demonstration farm is a teaching lab and working farm and garden — the only one of its kind in Marin. A collaboration between the College of Marin, the Conservation Corps North Bay, University of California Cooperative Extension and Master Gardeners, it showcases innovative sustainable agricultural and living practices, growing over one hundred varieties of vegetables, fruits, flowers and herbs.

Patterned after successful teaching farms at universities in Santa Cruz, San Luis Obispo, San Diego and Fresno, the farm is part of an initiative to teach residents about the valuable role of agriculture in Marin County while promoting local food systems.

"It's resplendent in the summer bounty," says Master Gardener Karen Detwiler, who was involved at the beginning of the project and has watched its transformation. "It's a very inspirational project that reminds us to eat locally and live sustainably."

Indian Valley Organic Farm & Garden focuses on:

- Providing skill-based green job training for sustainable agricultural, landscaping, and horticulture professionals.
- Hands-on agriculture and food systems education for middle and high school students, corps members and local residents.
- Showcasing innovative sustainable growing and living practices for the people of Marin.
- Transforming the lives of underserved youth by providing hands-on green job training and work study opportunities.
- Improving community health by providing underserved families with affordable organic produce.
- Fostering collaboration between local nonprofit groups, government agencies and farmers working in sustainable agriculture/food systems, community health and youth development.

Marin Master Gardeners serve as farm docents during partner events as well as organizing and leading community educational opportunities for the public, a perfect fit of their training and commitment to community service through education.

"The Marin Master Gardeners are leaders for the partnership in engaging the larger community of Marin to learn about sustainable and organic vegetable production," says UCCE Director David Lewis. "The result is the infusion of sustainable gardening tenants into individual homes and gardens that increase the quality and availability of food across Marin in ways that safeguard the environment."

Monthly educational programs geared toward the home gardener are on tap, including one from 10:30 a.m. to 12:30 p.m. Sept. 22. "Planning Your Cool-Weather Garden" is a two-hour workshop about tending a winter garden and why it is important to begin planning yours now. It will cover topics from selecting season-appropriate vegetables, natives and ornamentals to succession planting, cover crops, winter soil preparation and composting.

Co-sponsored by Conservation Corps North Bay and Master Gardeners and taught by College of Marin instructor and Horticultural Therapist Liza Buckner, the workshop is being conducted in conjunction with the farm's fall plant sale. For more information, including workshop registration and directions to the farm, go to the Marin Master Gardeners website at www.marinmg.org.

If it's fresh produce and flowers you're after, visit the farm stand at the entrance to the farm; it's open year round from 10 a.m. to 3 p.m. Wednesdays. And if you like learning by doing, the farm welcomes volunteers to assist with soil preparation, propagating, planting and harvesting from 8:30 a.m. to 12:30 p.m. Wednesdays and from 8:30 a.m. to 4:30 p.m. Fridays.

Next time you're out for a hike, stop by the Indian Valley Organic Farm & Garden and see what it has to offer.



North Bay Conservation Corps members demonstrate bareroot tree planting to an interested audience. Provided by Jenna Braeger



Shoppers peruse the array of organic vegetable starts, perennial flowers, herbs and fruit trees at Indian Valley College Organic Farm & Garden in Novato. Provided by Sara O'Keefe

Whose Side Is the American Farm Bureau On?

By Ian T. Shearn | July 16, 2012

Produced in collaboration with the [Food & Environment Reporting Network](#).

The American Farm Bureau, with its 6 million “member families” and carefully cultivated grassroots image, talks a good game. In the pitched battle over US farm policy—with agribusiness giants on one side, and small family farmers, organic and local food advocates and environmentalists on the other—the Farm Bureau positions itself as the voice of the farmer.

“If you know agriculture in this country, it is dominated by family farms, and those are the people who come to our meetings, those are the people who set our policies,” claims Mark Maslyn, executive director of the American Farm Bureau Federation’s public policy department, a team of twenty-two registered federal lobbyists that spend more than \$2 million annually on a variety of agriculture issues.

But Rolf Christen, a cattle farmer in Missouri who was at one time an enthusiastic member of his local farm bureau’s board, tells a different story.

Christen realized that the bureau’s “family farmer” talk was cheap when he sought its help battling an industrial scale hog operation with 80,000 animals just up the road from his farm in northern Missouri beginning in 1993. The waste from the facility created a sickening, eye-watering stench that seeped across the land and into the homes of Christen and his neighbors, starting what would be an epic battle against Concentrated Animal Feeding Operations (CAFOs) that continues to this day.



At that time, Christen had become the leader of local resistance to the CAFO, then owned by Premium Standard Farms. He organized town meetings and lobbied elected officials to fight Premium Standard. But he hadn’t counted on also fighting his local Farm Bureau, which he had joined as a young farmer in 1983, even getting involved with state legislative issues. When it came to this fight, the Farm Bureau sided with Premium

Standard and cut Christen and his small farmer friends loose.

“All of a sudden laws were changed in the state in order to make it easier for [Premium Standard], and that’s where the Farm Bureau and I quickly parted ways,” said Christen. Then,

and to this day, Christen says, the “Farm Bureau has always supported the industry...and not the small farmers.”

How had this happened? Missouri had become a popular destination for the pork industry. The state produces millions of pigs a year, predominantly for Smithfield Foods, the world’s largest pork producer, which purchased Premium Standard in 2007. The rise of the factory farm has been the death knell for the small family farmer in Missouri, as it has across the country. In 1964, there were 62,000 pig farms in Missouri; as of 2007, there were about 3,000, producing roughly the same number of pigs. To these giant hog producers, who depend on the support of the Farm Bureau to keep their efficient model humming, farmers like Christen and their worries about air and water quality are little more than troublemakers.

Although illustrative, Christen’s case is not unusual. From California to New York, the Farm Bureau leads the charge for industrial-scale food production. It opposes the labeling of genetically engineered food, animal welfare reform and environmental regulation. In Washington, its well-funded team of lobbyists and lawyers seeks to undermine the federal Clean Water Act and the Clean Air Act, opposing pesticide restrictions and increased scrutiny of greenhouse gas emissions and pollution from CAFOs, like the “farm” up the road from Christen.

The Farm Bureau has sued the EPA, which is trying to limit farm runoff from polluting the Chesapeake Bay. At the same time, the Bureau pushes hard to expand international trade and lobbies for the stream of government subsidies that disproportionately benefit the nation’s biggest commodity farm operations and, indirectly, the agribusinesses at the heart of this system.

In Washington, the 2012 Farm Bill has predictably been a top priority for the Farm Bureau lobby team. They have surprised players from both sides of the debate by conceding cuts in traditional subsidies in exchange for a large expansion of subsidized crop insurance that protects against disasters and falling prices at an estimated cost to taxpayers of [\\$9 billion a year](#). The tactical, philosophical shift garnered praise even from Farm Bureau adversaries. Nonetheless, it should be noted that crop insurance is a small, but significant piece of Farm Bureau insurance companies’ portfolio. In 2011, they collected over \$300 million in crop insurance premiums.

In rural areas, the Farm Bureau grooms compliant political candidates, mostly Republicans; it wields the power to dictate outcomes of legislative elections and appointments to powerful state agriculture committees. Then it influences which farm-related bills become law. Along the way, it has become a close second to Monsanto in lobby expenditures for agriculture-related issues, spending nearly \$6 million in 2011—all in the name of “farmers.”

American Farm Bureau Federation president Bob Stallman was succinct, almost militant in his opening address last year at the group’s annual meeting: “We will not stand idly by while opponents of today’s American agriculture...try to drag us down...try to bury us in bureaucratic red tape and costly regulation—and try to destroy the most productive and efficient agricultural system in the world,” he said.

Stallman could well have been talking about Christen and his neighbors.

* * *

Christen has firsthand experience with the underbelly of that efficient system, because hog-raising is a messy business. Although afforded similar status to farms, CAFOs are more like automobile assembly-line factories, where thousands of animals are birthed, nourished with corn and other grains and supplemented with antibiotics and growth-promoting supplements. They are raised in climate-controlled darkness, confined to pens so cramped they cannot turn around. Hogs produce four times the waste of humans, and these CAFOs produce millions of gallons of manure annually. But in cities, human waste ends up at a sewage treatment plant; in CAFOs, untreated livestock waste is flushed out of confinement buildings into large lagoons, sprayed on fields as fertilizer and then too often migrates into streams and groundwater. In Missouri, this waste not only fouls the air; it has made its way into the rivers, streams and groundwater of surrounding communities.

By 1995, Christen had found two local farmers, Terry Spence and Scott Dye, to join him in his fight. Rebuffed at every turn by the Farm Bureau, elected officials and regulatory agencies, they concluded their only hope was in the courts. So, they went lawyer shopping and found an unlikely candidate in Charlie Speer, a Kansas City attorney, who was once a financial analyst for Ford Motor Company and then represented corporate polluters who had fallen out of favor with the EPA.

The three men provided Speer with evidence of a litany of infractions by Premium Standard's operation—breaches of their lagoons, runoff from spreading manure on the land, burst pipes that sent hog waste flowing into streams, lakes and onto neighboring properties, causing miles of polluted streams and killing fish. Speer would soon discover that Premium Standard operations emit more ammonia and hydrogen sulfide than any other industry in Missouri. Neighboring farmers would later testify about the effects of the ubiquitous odor—burning eyes, noses and throats, gagging, nausea, vomiting and headaches.

In fact, Smithfield and its subsidiaries have been the subject of numerous environmental enforcement actions by the state and the federal government over water and air pollution caused by their hog production factories. From 1997 to 2004, Smithfield was fined \$19 million. Bo Manly, president of Premium Standard at the time and now executive vice president and chief financial officer at Smithfield, admitted in a deposition with Speer that Premium Standard was the most fined agriculture company in Missouri.

"I quickly learned that the ag industry today is like when I was working at Ford Motor," Speer said. "It's cheaper to pay the fines and keep dumping the paint in the creek."

With this kind of evidence in hand, Speer initially thought the case was a slam-dunk and easy money. It would be neither. In 1997, Christen and 60 of his neighbors formed the Citizens Legal Environmental Action Network, or CLEAN. With Speer as their counsel, they filed a federal citizens-action suit against Premium Standard alleging improper waste disposal near their homes. In 1999, the US EPA intervened in the suit, joining CLEAN as a co-plaintiff against Premium Standard.

After the CLEAN suit was filed, Premium Standard spokesman Charlie Arnot weighed in with his view, one that has dominated the national discussion over food: “I think people need to understand that this [CAFO] is part of an ongoing changing structure in agriculture.... It’s a different model than we’ve ever seen before. Is it the right model? Not for everybody. But I think communities that want to continue to sustain a quality rural way of life have to begin to look beyond what we’ve always looked at in the past.”

Christen and CLEAN—fully aware of what that “quality rural way of life” means—emerged victorious in its lawsuit, leading to a 2002 federal consent decree requiring Smithfield and Premium Standard to clean up its act. But enforcement is still being argued in the courts by both sides, and, Christen says, the air at his house still stinks. “It pisses me off that after fifteen years the company still does not even acknowledge that there is a problem up here,” he says.

As it turned out, Christen and his friends weren’t an anomaly. Since meeting with the group, Speer has racked up big damage awards on behalf of individual farmers living next to these hog CAFOs throughout Missouri. In 2010, Speer attracted national attention with a record \$11 million verdict awarded to fifteen plaintiffs who had been subject to the foul odors emanating from a Premium Standard pig CAFO in northwestern Missouri. In total, Speer has won over \$25 million for 101 neighbors of CAFOs in eight “odor nuisance suits,” as they are called.

To date, Speer has filed nearly 500 odor nuisance complaints in seven states, roughly half in Missouri. In one of Speer’s odor cases, it became evident that the Missouri Farm Bureau had more than a philosophical interest in the issue. A Missouri Farm Bureau insurance affiliate (that’s right, those family farmers at the Farm Bureau have a big hand in the insurance industry) was the carrier for one of the hog producer defendants. It paid \$550,000 to settle the case, and also paid the defendant’s legal bills.

The court battles have become a threat to the bottom line of America’s biggest pork producers. In fact, Smithfield Foods threatened to pull all of its hog operations out of Missouri after Speer’s \$11 million judgment—and that put the issue front and center for the Missouri Farm Bureau.

In response, the Farm Bureau moved the battlefield to its favored arena—the Statehouse floor—with a bill from a friendly legislator the bureau helped elect. The aim of the bill: to keep all the farmers like Christen from seeking meaningful legal redress against the pollution from CAFO operations.

In the waning days of the 2011 Missouri legislative session, Senate Bill 187 was signed into law, limiting citizens’ ability to sue large agribusinesses over the harm their factories inflict on neighboring property owners. The Farm Bureau had been pushing various forms of this bill for years, but with a Republican surge in the 2010 legislative elections and a new crop of freshman legislators, it finally passed. Though its sponsors spun the bill as protection for family farmers, it was, in reality, exactly the opposite. Senate Bill 187 limits the number of times a farmer can sue and caps damages at property value, which of course have decreased after the CAFOs moved in.

Despite its track record, the Farm Bureau insists it has been and always will be the champion of the small farmer and rural America. To those who claim the Farm Bureau has sided squarely

with one side, against the interests of many farmers, the Bureau's Maslyn responds, "I'd say they've never been to one of our meetings."

Christen takes issue, as do a growing number of small farmers: "The point is, operators that raise hundreds of thousands of animals in confinement are 'industrial operations' and need to be regulated. And the Farm Bureau is never going to concede to this," he said. "Their argument and scare tactic was and is: If we regulate the 'big' guys, we will have to regulate the 'little guys' also. Soon it will be too late, there will not be any family farmers left. But why would the Farm Bureau worry; they will sell their insurance anyway. The billboard in my town reads: 'You don't have to be a farmer to insure with us.' "

* * *

Christen is referring to that other, lesser-known facet of the Farm Bureau. It's not just a non-profit "farmers organization" but a multi-billion dollar network of for-profit insurance companies, the third-largest insurance group in the United States. Its premiums generated more than \$11 billion last year alone, on top of has assets worth more than \$22 billion. In many states, Missouri among them, members of the Farm Bureau board and the board of its affiliated insurance company are one and the same, sharing office buildings and support staff.

And those 6 million farmers it claims as members? In many states, anyone who signs up for Farm Bureau insurance becomes a member of the Farm Bureau automatically, which explains why the American Farm Bureau Federation boasts 6 million members when the United States has only about 2 million farmers. In Missouri, less than a third of its members are farmers. Nonetheless, all of its 113,000 members pay annual dues, as they do throughout the country, which fuels a potent political machine.

In addition to the American Farm Bureau Federation's twenty-two lobbyists, no fewer than 20 of the state Farm Bureaus, including Missouri, have registered lobbyists in Washington, leading the field of agribusiness lobbyists. Over the past decade, the nation's ten largest agribusiness interests gave \$35 million to Congressional candidates—led by the Farm Bureau, which gave \$16 million, or 45 percent of the total. Farm Bureau PACS donated another \$16 million to state candidates, according to election records.

The Farm Bureau also has a financial interest in agribusiness corporations. In recent years, its insurance affiliates have bought stock in companies like Cargill, ConAgra, Dow Chemical, DuPont, Tyson and Archer Daniels Midland, all major food industry players. The Southern Farm Bureau Annuity Insurance Co. once owned more than 18,000 shares of Premium Standard stock.

It has also grown increasingly concerned about the mounting resistance to the get-big-or-get-out agribusiness model, which has led increasing numbers of farmers and consumers to seek out alternatives.

So the American Farm Bureau has pushed into public relations, spearheading the launch of the U.S. Farmers and Ranchers Alliance, an advertising/social media/PR campaign to paint agriculture in a more favorable light. With an \$11 million annual budget and most of the national

commodity groups on board, the big ag-business players are now joining—DuPont, John Deere, Monsanto and BASF.

“Our adversaries are smart and resourceful,” said the American Farm Bureau’s Stallman, who also heads the Farmers and Ranchers Alliance. “But we’re now matching them in using new communications tools, new strategies and new tactics.” The group’s promotional videos display polished vignettes but they are not filmed inside CAFOs; rather they are shot in sunlit fields of wheat and corn with attractive and articulate family farmers and distributed to partners such as the Discovery network on cable TV. It is the Rockwellian image of the farmer America loves, and one the Farm Bureau uses to pursue public approval for its agenda—and against small farmers like Christen.

Christen, now 58, is still fighting Premium Standard and the Farm Bureau; it has pretty much consumed his life. Now, a 140,000 hog factory is located seven miles south of him. As his original lawsuit drags on, the stench persists. Whether Speer’s legal barrage proves to be a game-changer or merely an aggravating blip on the EKG of corporate agriculture has yet to be seen. It’s also unclear whether the voices of small farmers, like Christen, will be strong enough to counter the ingrained image of the Farm Bureau as their savior and protector.

“There’s only so many times you can tell farmers you’re acting in their interest, and then act in the complete opposite manner,” says Rhonda Perry, a Missouri farmer and a former Farm Bureau “princess” who runs the Missouri Rural Crisis Center, a grassroots organization supporting family farmers. “So, now they’re saying we have to convince the consumers that agriculture is good and this new way of producing animals is really the best way.”

Then she sighs.

“As long as you have money to perpetuate the myth, the war is going to go on and on and on....”

Lauren Hasler, a freelance journalist, contributed to this report. It was produced in collaboration with the [Food & Environment Reporting Network](#), an independent non-profit news organization producing investigative reporting on food, agriculture and environmental health.

Rolf Christen on YouTube: <http://www.youtube.com/watch?v=kc4YyLCYTZA>



The Faces of Food Stamps

By Malia Wollan, August 2, 2012

For nearly 50 million Americans living in poverty – the highest in more than half a century – getting a meal on the table isn't easy. One-in-seven now receive Supplemental Nutrition Assistance Program benefits (better known as food stamps) but that barely covers the necessities, especially when assistance runs thin at the end of the month. By then, foods like peanut butter and pasta become a main course for those on assistance, half of whom are children.

Some have been chronically poor, but many are the newcomers to federal food assistance — recent veterans, college graduates, once middle-class families in suburbia, and farm workers, who never imagined they would learn what hunger felt like.

For the slideshow follow this link: <http://thefern.org/2012/08/the-faces-of-food-stamps/>

Boom-and-bust salmon catch is booming again

August 7, 2012 | Maria Finn, Food & Environment Reporting Network



Eric Kilby/Flickr

SAN FRANCISCO – After years of going begging, Northern California is awash in salmon. Charter boats are booked up to two weeks in advance, and anglers claim to be bagging their limits before noon. The smell of gurry and the glimmer of scales are back at San Francisco’s Pier 45, where commercial fishermen unload their catch.

The return is also a boon to eager chefs, diners and fishmongers, who saw California salmon disappear from dinner plates when the fishery was closed for the 2008 and 2009 seasons and declared an endangered species.

“We’re making a living for the first time in a while,” said Larry Collins, who explained that he and his fellow commercial anglers barely survived when the fishery shut down.

Cooks are busy in the kitchen: “These fish are so fresh and delicious,” said Pam Mazzola, chef at San Francisco’s Prospect, whose summer menu features local wild Chinook salmon with nasturtium pesto.

The 2010 fishing season lasted only 10 days, but a year later, 114,741 fish came in from the sea to spawn in the Sacramento River – nearly triple the number from two years before. And this year, fishery scientists expect 820,000 Chinook to swim up the Sacramento River and even more to head to the Klamath.

Based on new studies about the state of California’s waterways, however, it might be too soon to celebrate. A certain amount of fluctuation in the annual salmon yield is natural, but some scientists think that the collapse in ‘08 and ‘09 was part of a more dramatic, and unpredictable, boom-and-bust cycle – and that the fishery could be in for more of the same. The problem, they say, stems from the fact so much of the catch – a full 90 percent – originates in state hatcheries.

California's eight salmon hatcheries were built in the 1950s and 1960s to make up for the loss of spawning grounds when the state's major rivers were dammed for hydroelectric projects and for irrigating the Central Valley. In a typical hatchery, a wild population remains just below the river's dams to spawn. Others swim up cement fish ladders – graded manmade streams – that run around the dams and allow the fish to return to the hatchery.

Once there, the ladder-climbers are artificially inseminated, and their fry are raised for about six months. Then they're released back into the river, from which they migrate out to sea for three to four years and eventually return to the river where they were born. The fact that they live for all but six months in these natural habitats is what distinguishes them from farmed salmon, which spend their entire lives in crowded offshore net pens.

Hatcheries have been a lifesaver for the salmon population, which might otherwise have been ravaged or even wiped out, but they also are the source of certain weaknesses – both for the fish they produce (which most people still refer to as wild, despite their human matchmakers) and for the river population.

In the first case, hatcheries have a tough time mimicking nature; salmon choose their mates based on evolutionary instinct, but the hatched fish are paired randomly. The result is a lot more fish but a lot less biodiversity, which makes the fish more fragile and more vulnerable to extreme changes in ocean conditions.

Those extreme conditions likely produced the last crash. Scientists believe that unusually warm water between 2004 and 2006 killed much of the zooplankton that young salmon eat, so by the time they would have reached maturity four to five years later, the population had been decimated. Since then, ocean conditions have improved – but there's no telling when that could happen again or whether some new disruption could occur.

“Look, this isn't natural,” said William Cox, program manager at the Nimbus Hatchery in the suburban neighborhood of Gold City, just outside of Sacramento. “But we can do a better job diversifying the hatchery fish. We're increasing our genetic fitness program here and doing our best to raise fish as close to the wild salmon as possible.”

But even if such efforts succeed, another concern is that the fish produced in hatcheries can actually harm the river population. Hatchery salmon have a harder time surviving in the ocean than the diverse population of truly wild fish, but they have a distinct advantage when they're first released into the river. Because they're well fed and cared for in the hatchery, they're larger than their river-spawned counterparts, so they out-compete them for food and eventually take over the habitat.

Studies are pouring in from around the Pacific Rim, collected under the title, “[The State of Salmon](#),” about the ecological risks of mixing hatchery and wild fish. California scientists contributed a report that describes the current salmon surge showing up on dinner plates as “the false appearance of positive natural population growth.”

[An exhaustive two-year study](#) released Tuesday by state and federal wildlife agencies concluded that California needs to improve its hatcheries, saying that the state program does not consider the impact of these hatchery-reared fish on naturally spawning populations. Among other recommendations, the panel said the hatcheries should develop a broodstock management plan that addresses how fish are chosen for spawning and then monitor these fish after they are released.

Peter Moyle, a fish expert at UC Davis, has been sounding the alarm about California salmon for some time, and he points out that hatcheries are only part of the problem.

“Fixing this for a healthier fishery requires a two-pronged approach,” he said.

Moyle wants to relocate the hatcheries, or at least release the hatchery fish down river, so they don’t compete with river-spawning salmon. He also thinks the state needs to restore the rivers and estuaries so the wild fish can thrive.

The best possible scenario for salmon, environmentalists say, would be to remove major dams in California that block the salmon migration.

“There are some dams that have outlasted their usefulness,” said Curtis Knight, Mt. Shasta regional manager of the environmental group California Trout.

He points to dams on the Klamath River, four of which are scheduled to be removed in 2020 in California and Oregon if current plans get the green light. These dams don’t generate much hydroelectric power, irrigate many farms or help with flood control, he said. But they block more than 300 miles of salmon habitat. Independent scientific reviews show that the adult salmon population in the Klamath basin would rise by 80 percent once the dams are removed.

Dams also are being dismantled on Battle Creek, a tributary to the Sacramento River, and there are rumblings about removal of the Englebright Dam on the Yuba River, which runs into the Sacramento Valley. These dams are cited by environmental groups like California Trout as “low economic value/high environmental cost” dams.

Two other dams, the San Clemente Dam on the Carmel River on the Central Coast and the Matilija Dam on the Ventura River in Southern California, also are slated for removal. The reservoirs behind these dams are so filled with sediment that they are not just considered useless, but unsafe in the case of earthquakes.

Already, a dam removal project on the Elwha River on Washington’s Olympic Peninsula has shown early promise in restoring fish migrations. But until these measures are taken in California, scientists say, the boom-and-bust cycle from the hatchery-based system may be here to stay.

Produced in collaboration with the [Food & Environment Reporting Network](#), an independent, nonprofit news organization.

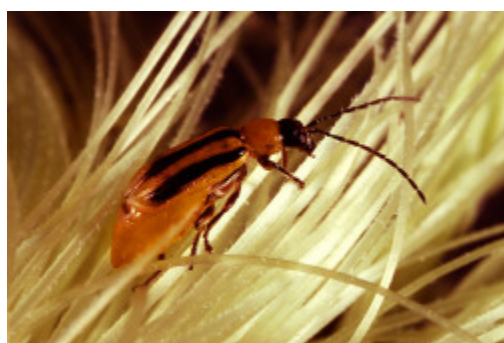


FOOD & ENVIRONMENT
REPORTING NETWORK



Pesticide-resistant insects add insult to drought injury

By Tom Laskawy, August 14, 2012



The Western corn rootworm in its adult stage. (Photo courtesy of the USDA.)

Last winter, [I wrote about evidence](#) that one of Monsanto's flagship GMO product lines — seeds engineered to produce the pesticide Bt — was succumbing to corn rootworms, the exact insects it was designed to kill. The evidence was somewhat thin — the Environmental Protection Agency (EPA) received reports from several states that indicated a problem — and certainly not decisive enough to prevent Monsanto [from issuing an outright denial](#).

But now comes [a report from Minnesota Public Radio](#) (MPR) on the damage rootworms are doing to the current corn crop and the very real concern farmers have that Monsanto's seeds are no longer helping them control pests. The EPA is treating these latest reports seriously; according to the article, EPA officials visited some "problem fields" to observe possible evidence of resistance while awaiting results from Monsanto's own scientists.

One pest expert MPR interviewed, Bruce Potter of the University of Minnesota, spoke more directly about the threat posed by rootworms, which appeared to have been held at bay by GMO corn until now. "We're not going to make this go away ... We're stuck with managing this problem," he told MPR. The report continues:

Potter has seen what he calls a "ridiculous" increase in rootworms apparently unfazed by the usually deadly protein [in GMO Bt seeds] in southern and western Minnesota this summer.

Potter also spoke at a workshop held on a farm experiencing rootworm resistance, where he said that Monsanto Bt seeds are “basically backfiring.”

“Instead of making things easier, we’ve just made corn rootworm management harder and a heck of a lot more expensive,” Potter said.

Of course, this is the summer of 2012, so a story about farmers in the Midwest wouldn’t be complete without a reference to the drought. And guess what? Droughts enhance and amplify the damage corn rootworms exact on crops:

In fields with a rootworm problem, the bug damages the cornstalk’s ability to absorb water just when it’s needed most. With the roots weakened, the plant can also be more vulnerable to wind.

Charlie Sandager, who hosted the workshop on his farm near the town of Hills in southwest Minnesota, said he learned last summer just how seriously rootworms can damage corn’s ability to stand.

“Strong wind came up and it just tipped the corn plants over like a big old tree,” Sandager said.

The sad irony is that farmers don’t need to transform themselves into organic farmers to keep their crops from being worm food — though that may be the best approach for developing more drought-tolerant fields. Historically, farmers managed corn rootworms through traditional crop rotations. These rootworms eat corn exclusively, so by alternating a corn crop with soy or another alternative, farmers would deprive the insects of food and the rootworm larvae would die off. This, by the way, is an age-old technique (originally part of the Native American [Three Sisters](#) agricultural tradition) that generates profits only for the farmer — not for seed companies.

Indeed, this abandonment of crop rotation was the other “innovation” of Monsanto’s Bt corn — aside from releasing its own pesticide, that is. Farmers could now grow corn season after season in the same field. At the time, it seemed like an amazing development to farmers across the country — and remains so [to starry-eyed, tech-loving politicians and industry representatives](#).

For years sustainable agriculture advocates from Wes Jackson to Michael Pollan have decried farmers’ move to this corn monoculture, but not just for philosophical reasons. The danger of biotechnology and chemical-based agriculture as practiced today is the false sense of security it offers farmers. When you adopt Monsanto’s seeds and chemicals and “simplify” your farming, it seems like you’ve solved all your problems.

But what you’ve actually done is increased what finance-types call “tail risk,” which means in essence that all your assumptions about the chances something bad will happen to you turn out to be wrong. And probability being what it is, you can go a long time without disaster striking and then, when it does, you find yourself totally screwed.

Even so, it’s only taken about 15 years for GMO seeds to come onto the market, take it over, and then contribute to a crop failure like this one. Of course, the rise of superbugs and [superweeds](#) came as no surprise to many scientists — molecular biologist Margaret Mellon of the Union of

Concerned Scientists [was warning](#) about the possibility of Bt-resistant bugs as early as 2001; so don't be fooled when Monsanto executives pull a [Macaulay Culkin](#).

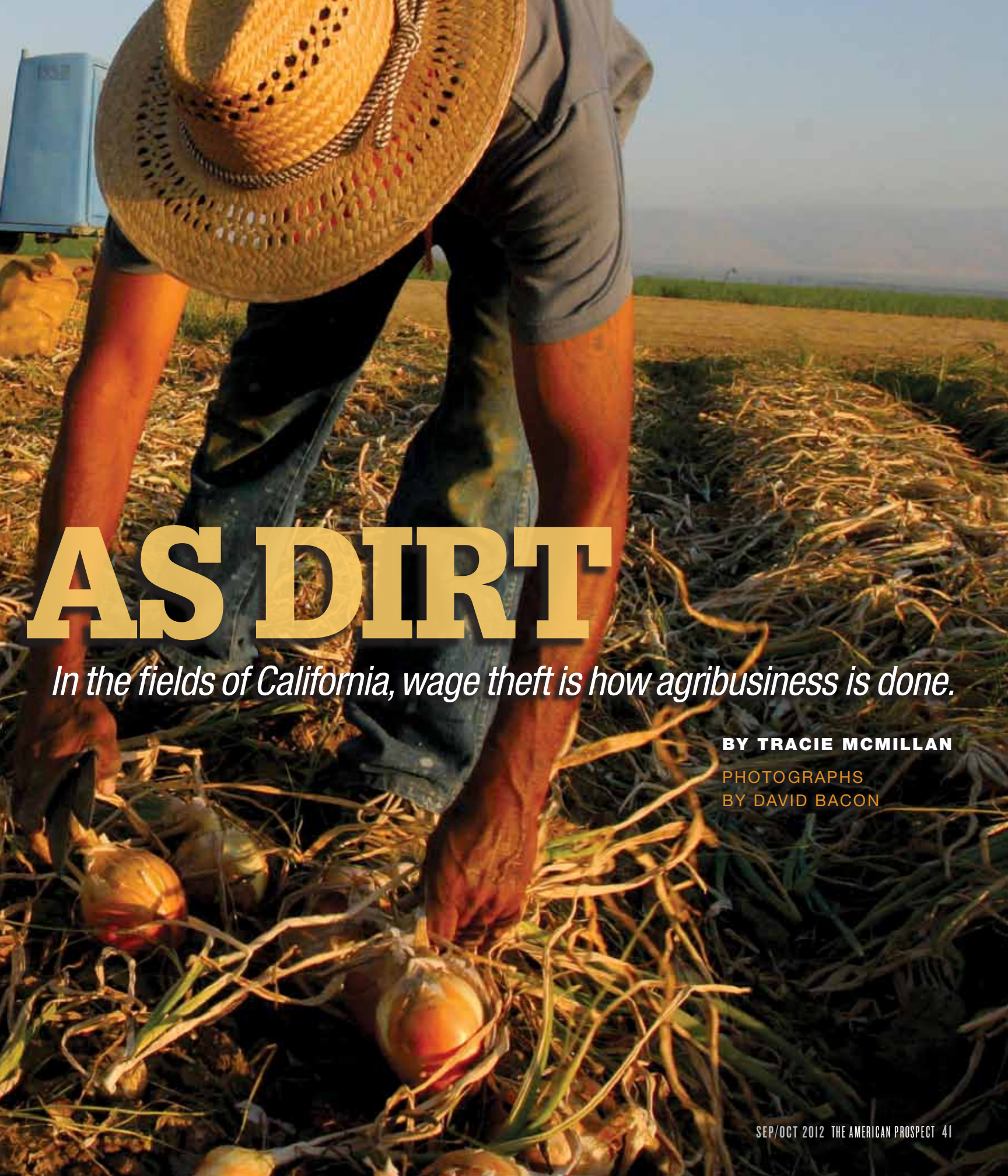
It's tragic that it has taken a devastating drought to give farmers the full understanding of the risk of an over-reliance on a single crop and a single product line from a single company. The question is: What will they do in the face of this new reality? Will it be what one farmer in the MPR report felt forced to do this year — blow significant amounts of money on other, more toxic pesticides? Or will farmers consider returning to classic rotations or even organic methods? Growing less corn, perhaps, but providing profits to no one but themselves.

Tom Laskawy is a founder and executive director of the [Food & Environment Reporting Network](#) and a contributing writer at Grist covering food and agricultural policy. His writing has also appeared in The American Prospect, Slate, The New York Times, and The New Republic.



AS COMMON

This article was produced in collaboration with the Food & Environment Reporting Network, an independent, nonprofit news organization producing investigative reporting on food, agriculture, and environmental health.




AS DIRT

In the fields of California, wage theft is how agribusiness is done.

BY TRACIE MCMILLAN

PHOTOGRAPHS
BY DAVID BACON



One morning earlier this year, in the borderland town of Brawley, California, 75-year-old Ignacio Villalobos perched on a chair in his trailer, removed a plastic bag from the well of a rubber boot, and finished dressing for work. Dawn was still an hour away, and in the wan light of the kitchen, Villalobos took off his house sandals and pulled the bag over his right foot. He bunched it at the ankle, then slipped his foot into his boot.

“These shoes aren’t made for water,” he said, adding that morning dew and irrigation keep farm fields damp—even in the desert of the Imperial Valley where he was working. Villalobos estimated that a pair of decent used boots would run him \$30, almost half a day’s wages; the bags were free.

Villalobos moved quietly, trying to keep from waking his grown nephew, Roberto, who was sleeping in the back bedroom of the trailer. For years, Villalobos and his partner, Juana, had raised Roberto, whom they had taken in as an infant. Then, last year, Juana died after battling diabetes and heart disease, leaving the two men on their own. Villalobos tied his boot before repeating the process with his left foot and grabbed a bag of bologna sandwiches he had made that morning. By 6:15 A.M. he was out the door.

At 6:30, Villalobos was sitting in a parking lot on the east side of town, watching the sunrise from his rusted Ford Blazer. He was the first to arrive at the lot, an empty plain of gravel and sand ringed by a corrugated aluminum fence. Other workers began to arrive, waiting in their cars for the 7:30 bus that would take them to the fields. Most, Villalobos included, had U.S. citizenship (or legal permission to work) and a coveted position on a union crew, guaranteeing them steady work harvesting. But Villalobos had seen enough in nearly seven decades of field labor that he remained wary of any promise of job security. Showing up early was a preventive measure, intended to guarantee his spot cutting broccoli rabe and reduce the risk of losing a day’s wages.

In late March, Villalobos became a plaintiff in a wide-ranging labor-abuse suit against a former employer, Juan Muñoz Farm Labor Contractor. The company is one of several that

lawyers say were hired by Calandri/SonRise Farms in 2009 and 2010 to harvest onions for its SonRise label, a brand sold across the U.S. and abroad. A second defendant, Maui Harvesting, faces claims from another plaintiff, Adalberto Gomez. Two women alleged to be operating as unlicensed farm-labor contractors are also named as defendants. The case alleges that while Gomez and Villalobos picked onions across the Coachella and Central valleys in California, the contractors routinely altered payment documents to undercount hours worked; failed to pay the state’s minimum wage of \$8 an hour or overtime; failed to provide safe or sanitary working conditions; and housed the workers in unsafe and unsanitary living quarters. Significantly, Calandri/SonRise Farms was also named as a defendant in the suit, meaning it was not absolved of responsibility because it had outsourced its harvesting work.

Compared with other recent tales of American farmworkers, Villalobos and Gomez might consider themselves lucky. In Florida, tomato pickers have been locked in box trucks under the watch of armed guards; in North Carolina, pregnant workers have been exposed to pesticides during harvest and birthed babies with missing limbs; in Michigan, children as young as six have been found laboring in blueberry groves. Those are marquee cases that garner national media, shining the spotlight on the most egregious abuses. In relative terms, suits like *Villalobos* are mundane, but they are also ubiquitous, filed with a frequency that suggests the most pervasive and insidious abuse faced by farmworkers is the kind Villalobos encountered: the blatant disregard of labor laws governing wages, safety, and health. This type of abuse is most typically seen in fields managed not by farmers but by farm-labor contractors, many of

whom started out as farmworkers themselves.

Known in some circles as “custom harvesters,” farm-labor contractors offer produce growers a ready workforce, but they also give these growers the ability to distance themselves from the people who pick their crops. These contractors control the flow of money between farmer and worker as well as all the paperwork. They track hours worked, crops harvested, and wages paid and take responsibility for everything related to labor, from verifying immigration status to providing workers’ compensation. Contractors can be found in the fields of nearly every handpicked crop in the United States, organic or conventional: green beans in Florida, grapefruit in Texas, peppers in Georgia, greens in Colorado, and garlic in California.

Farm-labor contractors give American produce growers what companies like China’s Foxconn offer to Apple: a way to outsource a costly and complicated part of the business, often saving money in the process and creating a firewall between the brand and the working conditions under which its products are made. “The contractor system makes it very difficult to enforce wage and hour laws because the idea is that the grower says, ‘It’s not me, it’s him. It’s the contractor. I had nothing to do with this,’” says Rob Williams, director of the Migrant Farmworker Justice Project of Florida Legal Services and a leading farm-labor advocate. The case by Villalobos and Gomez, their lawyers say, offers a textbook example of abuse within the contracting system.

Unlike most farm-labor cases filed each year, *Villalobos* is a “collective action” suit. This designation broadens the case beyond the named plaintiffs and opens the case to any worker who can prove he or she experienced the same treatment at the hands of the defendants between 2008 and 2011. “We’re expecting it will cover hundreds if not thousands of workers,” says Megan Beaman, an attorney for California Rural Legal Assistance, the nonprofit farmworker advocacy group that filed the suit in U.S. District Court. If the court finds in favor of Villalobos and Gomez on all

Labor camps, like this one in the Coachella Valley, can be found throughout California's agricultural belt.



counts, the award per client could reach tens of thousands of dollars. Multiplied across hundreds of workers, this could be enough to “deter other employers from creating those same conditions,” Beaman says. The case, in other words, isn’t just about claiming back wages for its plaintiffs but about challenging the broader culture of abuse in their workplace.

Although the case is limited to agricultural workers, other industries may be closely watching it. By naming the grower as a defendant, the case confronts one of the thorniest problems facing American workers: the rise of subcontracted labor and the question of who is responsible when abuse occurs. “If you think about the jobs we can’t outsource and will stay here, that’s where you see a lot of subcontracting going on,” says Catherine Ruckelshaus, legal co-director of the National Employment Law Project, a policy advocacy group. Subcontracting has sprawled into other low-wage jobs in construction, janitorial, security, health-care, housekeeping, and warehouse industries, often at name-brand companies like Amazon and Wal-Mart. “It’s kind of like Whac-A-Mole. If

you go after the smaller-level contractors, they just pop up again on another site,” says Ruckelshaus. “You have to go up to the next level—or the level above—to make the patterns change.”

Contracting has been a part of American agriculture for the past century, performing what agribusinesses say are crucial services. For starters, contractors give farmers a hassle-free way to adjust the size of their workforce (and payroll) by season, letting them expand during harvest and shrink once it’s done. What’s more, says Frank Gasperini, executive vice president of the National Council of Agricultural Employers, “farmers are good at growing crops and marketing produce. All the legalities are not their area of expertise.” Gasperini’s group, which advocates for the country’s largest growers, sees contractors as a natural solution to farmers’ skill gap. “Hiring a contractor,” he says, “it’s not different than having an accountant to manage the portion that you’re not an expert in.”

Back in Brawley, Villalobos saw it differently. Tapping his finger emphatically on his kitchen table, he said, “A contractor is the same as a thief on the corner of any street.” He leaned

across the table, eyes sharp beneath a deeply lined forehead, then relaxed into a shrug: “Who protects the worker? Who enforces the law?”

Villalobos was born in McAllen, Texas, deep in the state’s southernmost reaches, during the final throes of the Great Depression in 1937. The border was more fluid then, and he remembers his mother as being born in Hidalgo or Reynosa—a pair of cities, American and Mexican respectively, south of McAllen—and his father as being from Texas. The family migrated from cotton fields to grape vineyards to fruit orchards, following seasonal work from Texas to California and scraping together a living however they could. Villalobos recalls sleeping in barn stalls while picking cotton; at one point his father built a hut for the family using scrap wood from a construction job. As a small boy, Villalobos worked alongside his parents and didn’t attend school until he was 11. He only studied for four years, before leaving to go back to the fields.

“Without judging my parents, they never tried to encourage us to be different in life,”

The least arduous way to harvest onions is on your knees.



Villalobos said one evening after work. He is wiry, surprisingly lithe, and wears his salt-and-pepper hair in a ponytail. “They used to think that we were ... a way to make money, like a check. They kind of made us grow up in a world of ignorance.” He pinched the bridge of his nose, wiping away tears. “I don’t blame them.”

By the early 1960s, when he was in his twenties, Villalobos had split from his family to work in the Salinas Valley, the vegetable capital of California. He has weathered nearly every farmworker labor battle that has raged through the state since. He worked alongside *bracero* program guest workers from Mexico in the mid-20th century, well before farmworkers won the right to minimum wage in 1981. As Villalobos entered his thirties, he began to ascend the industry’s career ladder by driving a farm-labor bus. He was active with the United Farm Workers (UFW) during the reign of Cesar Chavez and picked up the vocabulary of radicals; he has a predilection for referring to labor contractors as *perros vigilantes del capitalismo*—the watchdogs of capitalism. But aside from his recent stint picking broccoli rabe, he rarely works on union crews today—mostly because union crews are scarce, found on fewer than 5 percent of California farms and fewer than 2 percent of farms nationwide.

By the 1970s, Villalobos was managing crews as a *mayordomo*, or foreman, often for former farmworkers who sought to get ahead by becoming labor contractors. Their popularity with growers spiked as a reaction to the

United Farm Workers’ successes in pressuring growers to adopt union contracts. The UFW model depended on a traditional model of employment, where workers were directly employed by the company whose crops they picked. As unionization took hold, ratcheting up wages—the UFW’s first contract won a 40 percent raise for its members—farm-labor contractors became an appealing option for growers looking to keep their labor costs and liabilities down.

That trend of labor outsourcing has continued ever since, with the share of American farms using these services nearly doubling since the early 1980s. Contracting has long been a dominant force in states with weaker agricultural labor laws, like Florida and Oregon, but its use in California jumped after President Ronald Reagan granted immigration amnesty in 1986. Growers could see benefit in handing off responsibility to contractors for their workforce, whether to avoid paperwork, evade union battles, or relieve themselves of dealing with immigration agents. At the same time, entrepreneurial farmworkers looking to better their lot in life set up contracting companies to meet this growing demand. The practice grew steadily, and today more than half of all farms with employees in California rely on contractors.

Most contractors are small businesses, with an office, a handful of administrative staff, and a crew of *mayordomos* to oversee the work itself. They get work largely through word of mouth; few have the kind of budget to cover the cost

of advertising. Some farmers only contract out for harvest labor; others use contractors to grow and nurture crops, too. But whatever a contractor will be used for, they are typically hired through a competitive bidding process. Say a farmer wants to contract out a harvest. The farmer will outline the scope of the job and specify things like location, crop, and volume. In turn, contractors will estimate the number of crews and workers required for the work; the piece rate to be paid for the crop harvested; the hourly rate for workers and supervisors; and the length of time the harvest is expected to take. On top of that, contractors will include a commission fee, which covers both profit and overhead—everything from portable latrines, shade tents, and water jugs required by law in the field to workers’ compensation insurance. Once growers receive the bids, they select a contractor, often making the decision based solely on price.

Of all the costs borne by contractors, labor is arguably the most fungible. A contractor can do nothing about the cost of a latrine or insurance rates. But he can choose to lower the cost of labor, which gives him a competitive advantage in winning a bid and passing on the savings to the grower. This has been true for as long as there have been contractors. When Villalobos worked as a *mayordomo* for farm-labor contractors during the boom of the 1980s, he says, they paid only by the piece and altered hours on checks to give the impression that they were paying the minimum wage. To increase profits, they deducted taxes from checks that were never delivered to the government. “I could clearly see how they were stealing” from workers, he says.

Nearly all farm-labor contractors in California are of Mexican heritage and have strong ties to the fields—whether through their own work experience or through family. Although many contractors are only marginally more affluent than their workers, the job offers something that farm labor does not: opportunity for advancement. Payrolls at contracting companies—a rough indication of gross revenue—average out around \$1 million but range anywhere from \$10,000 to more than \$15 million, giving aspiring contractors a brass ring worth grasping for. As a career, contractors see median earnings of \$29,000 a year, but salaries can reach \$60,000 or more. Compare

that to farmworkers, whose median salaries are \$19,000 a year and top out at \$25,000. Contracting opens up the possibility of joining the middle class in a way farm labor does not.

Around 1985, Villalobos got a contracting license, intending to follow the example set by his former employers: underpaying his workers. When he won a contract to provide cutters for an onion field in the Central Valley of California, he did what he'd seen his bosses do; he paid workers for only what they had picked, regardless of the hours they had worked. The piece rates he had agreed to required workers to pick ten sacks per hour if they were to reach minimum wage. "It was not realistic," he says, "and that's when I started realizing that contractors who paid legal wages were losing money." Villalobos says he got caught by state labor inspectors during his first inspection and was forced to pay back wages to workers. He went out of business and returned to fieldwork as a picker.

Despite Villalobos's rapid failure as a contractor, enforcement in the fields has always been rare and has shrunk further with the recent rise of contracting. Federal investigations of agricultural workplaces dropped by 60 percent between 1986 and 2008, according to analysis of data from the Department of Labor by Oxfam and Farmworker Justice, a farmworker advocacy group. In 2008, inspectors visited 1,499 farms of the more than 2 million in operation nationwide. This is not just bad news for workers but for those contractors who play by the rules. By paying honest wages, they operate at a significant disadvantage compared to those who flout the law.

Even when violations are found, they rarely cost employers much: The average fine for a violation of the Migrant and Seasonal Agricultural Worker Protection Act, the primary federal law dealing with farmwork, is \$342, with a ceiling of \$1,000. (Back wages, however, are frequently required in addition to the fine.) Across the country, penalties for underpaying workers are so minimal, and so unlikely to be levied, that there's no deterrent effect, says Mark Heller, a leading farmworker advocate from Ohio's agricultural belt. "If you cheat 1,000 workers a week," he says, "you might have to pay \$4,000 to one person who complains but in the meantime you save \$100,000. It's cheaper to violate the law than to follow the law."

California is probably the best state to be a farmworker. At the federal level, farmworkers are excluded from most labor, and many health and safety, protections. Yet on California's 82,000 farms, workers have rights unavailable to them in most other states. They have a protected right to organize and a state agricultural labor-relations board to defend it; they have a right to overtime and get a day off every week; and they are entitled to earn the equivalent of minimum wage even when they are paid by the piece. Growers who use unlicensed contractors can be held liable for labor violations in their fields and

FARM-LABOR CONTRACTORS GIVE GROWERS WHAT COMPANIES LIKE CHINA'S FOXCONN OFFER TO APPLE: A **WAY TO OUTSOURCE** A COSTLY PART OF THE BUSINESS

can be fined for establishing contracts that could not reasonably be expected to cover the cost of harvest at minimum wage. (Both charges were made against the contractors in the *Villalobos* case.) In 2010, California's Labor Department employed 48 inspectors to make sure employers abide by wage and hour laws. To ferret out abuse, labor inspectors rely on complaints, rather than surprise inspections—an arguably reasonable strategy to target the limited resources of inspectors, who are each responsible for an average of 27,000 workplaces (1,700 of which are farms). This approach, though, provides cover for companies that hire undocumented workers because those workers are the least likely to complain to government agents. Across the state, more than half of all farmworkers are undocumented, and few are willing to risk their jobs or immigration status to point out that they were cheated. Citations are accordingly rare. In 2011, state labor inspectors found exactly seven viola-

tions of minimum-wage laws in agriculture and three violations of overtime laws.

There are two ways to interpret these numbers. Growers tend to see them as evidence of a system that largely abides by the law. "I don't think there are many people who aren't being paid or laws being broken," says John Harris, the president of Harris Farms, one of California's largest agribusinesses, and a board member of Western Growers, a powerful lobbying group. "There's a lot of enforcement," he says, echoing a sentiment many California farmers express. In 2011—the same year that saw just seven minimum-wage violations in agriculture—"a lot of enforcement" involved inspections of fewer than 900 farms, about 1 percent. Of those, fewer than one in three resulted in a citation for any kind of labor infraction.

The kinds of problems officials found say a lot about the nature of enforcement by the state. Of those 280 citations, 138 were for the employer's failure to prove they had workers' compensation insurance. This is crucial, because problems with workers' comp are quickly identified by the absence of a certificate on site; in the field, that usually means asking a supervisor to pull the paper out of a binder on the seat of his pickup. Proving wage theft, however, is far more tedious, requiring inspectors to interview workers, analyze their time cards, and then gain access to company payroll records.

Considering the type of infractions found, not just the number of citations, leads to a second interpretation of agency statistics: Inspectors have focused on racking up easy wins while sidelining more egregious and difficult problems. Put more bluntly, the numbers are an example of "what some people have called the machine-gun approach," says California's labor commissioner, Julie Su, a former garment-worker advocate appointed by Governor Jerry Brown last year. (In 2001, Su was awarded a MacArthur Foundation "genius" grant for her work as a civil-rights lawyer specializing in labor abuse.) "You hit a lot of employers very quickly" for easy-to-find violations. That ramps up department statistics for an agency with limited staff but doesn't improve conditions for workers. More likely, Su says, it means one of two things: Either "we're not investigating in the right places, or ... the inspections we're doing are not in-depth enough to uncover the violations."



Whenever he harvests onions, Villalobos spends most of his time on his knees. Onions are root crops, so tractors pass through fields at midday, uprooting bulbs once the dew has evaporated, releasing their pungent odor into the air; mid-harvest, onion fields can be smelled by drivers on adjacent roads. Enterprising workers stand to the side as tractors traverse the fields, and then descend on the rows to stake a claim for work that won't start until 3 or 4 in the afternoon. The ground, soft and freshly turned, is now littered with onions,

and workers have two options: spend their day bent over full at the waist to pick them up or learn to shuffle on their knees. Most onion pickers, Villalobos included, choose the latter and invest in a pair of kneepads.

To begin his work, Villalobos first spreads out burlap sacks to mark the territory he expects to work. "The first thing you care about," Villalobos says, "is getting a really long row"—roughly the distance of a city block—a row "where you would think, 'I'm going to make \$120 today.'" Once his territory is claimed, Villalobos drops to his knees and shuffles down the row to begin

harvesting. In one hand he holds a cutting tool known as *tijeras*, something of a cross between shears and tongs, with vicious six-inch blades. With the other hand, he gathers seven, eight, nine onions from the ground, shakes off the dirt, and snips the thatches of root from the bulbs. If he has placed his set of five-gallon construction buckets just right, he will need only to pivot at the waist in order to reach the mouth of a bucket after cutting off the roots. Then, with another snip through their green tops, he drops the onions into the container, achieving an economy of motion that minimizes the



time he spends doing anything *besides* cutting onions—and thus boosting his pay.

Workdays in onions start in the afternoon, stretch overnight, and end midmorning the next day. Under the contractor Muñoz in 2009, says Villalobos, he worked between 15 and 18 hours at a stretch, gathering and snipping onions by the light of a headlamp once the sun had set. When his buckets were full, he would dump the four of them—about 20 gallons' worth—into a sack, and a foreman would periodically tally his total on a piece card (similar to a time card). If he got tired, he might switch his

headlamp to a red bulb and rest in the field, the red light indicating to other workers walking through the dark that someone was lying on the ground ahead. When morning came, he would work until 8 or 9 or 10, and then the foreman would do a final tally on the card—and make deductions for taxes and Social Security—before paying Villalobos, in cash, for the sacks he had picked.

Villalobos's piece cards under Muñoz show that he was being paid \$1.23 per sack of onions—a rate that translates to about 1 or 2 cents per pound. No matter how many hours

Villalobos spent in the field, his supervisor typically wrote down on his *tarjeta*, or piece card, that he worked between seven and nine hours. This fraudulent time accounting does two things to obscure the terms of his work. First, it gives the impression that Villalobos can pick onions at a phenomenal rate—as many as 22 sacks per hour. That would have him picking 88 five-gallon buckets—the equivalent of filling the cargo space in a Chevy Tahoe, the largest SUV—every hour, while on his knees. More insidiously, it gives the illusion that his hourly pay ranges from \$12 to \$27, well in excess of the

Most onion workers in California are paid per sack.

state's minimum wage of \$8. The sack tallies on his cards are so high that, even if his hours had been counted accurately, he would have still reached minimum wage.

Villalobos's lawyer claims he earned less. Instead, says Beaman, Villalobos split his check with one and sometimes two other workers who contributed sacks of onions that were credited on Villalobos's card. Workers frequently share cards to outwit the formal economy. Some lack legal status and thus a Social Security number; others are supplementing unemployment checks. Although they are paid in cash and off the books, their sacks still need to be accounted for—somewhere. If Villalobos's cards are calculated for these additional workers and the long overnight shifts, they indicate hourly wages at a fraction of the minimum wage. Villalobos could not confirm that the specific piece cards he had submitted to his lawyers represented multiple workers, although he says that he had shared his card with workers in the past and that it is a common practice among onion workers. Muñoz did not return repeated calls for comment, and Calandri declined to answer questions related to the case.

Documentation for Adalberto Gomez—the second plaintiff in the suit, also in his seventies—more clearly shows how he earned subminimum wages. In 2010, Gomez was picking onions for the labor contractor Maui Harvesting and told his lawyers he typically began work around 3 P.M., worked through the night, and finished around 9 A.M., for an 18-hour day. But his cards don't reflect those hours. Instead, he was paid for only the sacks he picked, and the hours written on his piece card by his supervisor—as with Villalobos—are a fraction of the time Gomez says he spent in the field. One time card credits him with picking 65 sacks of onions over six hours, earning \$1.23 apiece, for a total of \$79.95—enough to legally cover a 9-hour shift but not an 18-hour one. Another 18-hour day is shown as lasting 4 hours. On that day, Gomez worked slowly, as might be expected for someone in his seventies, picking only 39 sacks. He earned just \$48—less than \$3 an hour. Maui, like its co-defendants, declined to answer questions related to the case.

For contractors, paying by the piece guaran-

tees that laborers will work quickly. For growers, the practice guarantees a set cost per unit. But for farmworkers, it erases the relationship between time spent on the job and the money they make—a relationship that most Americans take for granted. What mattered to Villalobos, as with any worker resigned to his fate, was that each sack would bring him closer to his overall target for the day; that's why he arrived early in hopes of claiming long rows to harvest. The \$120 sum that Villalobos used as a benchmark for a successful day was often beyond his reach. It was also less than what he would have earned at minimum wage.

For years, when Villalobos found himself being cheated by contractors, he put aside any concerns of fairness and asked himself a question that confronts anyone in a precarious job: Is it worth it to complain? For decades, particularly as the UFW's power diminished, the answer was a resounding no.

"I would tell labor inspectors, and they said, 'OK, come back tomorrow,'" says Villalobos. "They were aware of the mistakes" by the contractors, he says, but they never did anything. Eventually, it was easier to just keep working and hope that something would change or that someone would get caught for breaking the rules.

Under Commissioner Su, California's Labor Department is shifting the way it finds employers who are likely cheating workers. Workers'

compensation violations are now seen as a possible tip-off that other laws are being ignored, and the agency is looking at research showing correlations between health violations and labor problems, an issue well documented in the restaurant industry. (The same connection, though not yet proved, likely holds in agriculture. Last year's listeria outbreak from contaminated cantaloupe was traced to a farmer whom inspectors later fined for providing illegal, substandard housing to workers.) At the same time, inspectors are talking to workers in their off-hours, away from the fields, so they can freely lodge complaints. In 2011, the state passed a law that requires all agricultural paychecks to bear the name of the grower as well as the contractor, a bid at establishing accountability. Earlier this year, the California Wage Theft Prevention Act went into effect. Backed by the California Labor Federation, the law gives workers who earn less than minimum wage the right to recover double their lost wages, plus interest.

Skeptics say that even this is insufficient and that laws can do little about the problem at hand. "The power asymmetry is just too great," says Marshall Ganz, a professor at Harvard University's Kennedy School of Government and a former organizer with the UFW. "Employers have zero interest in enforcement, and, of course, the contractors have no interest in enforcement, and the only people interested in enforcement are the farmworkers, and they don't have any power." The same analysis



persists among other academics as well as farm-labor activists. When the Agricultural Justice Project introduced a “food-justice certified” label for American produce last year—think organic, but with labor rights—they initially excluded any grower who used a contractor. (After pressure from small farmers, the rule was amended to include contractors who work in concert with a workers’ rights organization.)

Even when laws are written and then enforced, there is little evidence that they readily translate into improvements for workers. Muñoz—Villalobos’s contractor—offers a case in point. In March 2010, the California Attorney General’s Office filed a complaint against the contractor, alleging many of the same abuses laid out in *Villalobos*. The state sought \$500,000 in restitution for workers, and another \$500,000 in penalties, as a deterrent to other growers.

The case was settled for \$100,000, and no fines were imposed. Muñoz agreed to follow wage, hour, and safety laws going forward. Since then, Muñoz has not been inspected, says a spokesperson at the attorney general’s office, because no additional complaints have been lodged. The company didn’t have enough money to pay restitution outright, so it has been making installment payments into a fund. As of June 2012, no payments had been made to workers, including Villalobos, who would likely qualify. In short, three years after the abuses took place, the remedies available from the state have meant little for those who suffered the most. What’s more, the company continues to hold a contracting license, with the current one set to expire in 2013.

Villalobos spends his Saturdays cleaning house, and on a weekend visit to him, I found him tending to the narrow strip of yard he had planted with aloe and mesquite. He had already smoothed the blankets that protect the love-seat and sofa from his three dogs, wiped down the countertops and stove in the kitchen, and washed the week’s dishes that had collected in the sink. Last, he tidied the small shrine he kept on top of the dryer for Juana, whom he was with for 40 years. He made sure to replenish the glass of water he kept for her and to dust out another that sits empty, representing air

for her to breathe. In the wake of her death, his relationship with Roberto had become closer to roommate than parent. Since his nephew spends most of his time working at a gas station or with friends, most of Villalobos’s companionship now comes from the dogs.

He was looking forward to the end of the broccoli rabe harvest, when he would begin collecting unemployment and rest up before the onion harvest began again in April. He had skipped the onion fields last year, unwilling to travel far from home after Juana’s death, but now he needed the steady work. “Where else am I going to go? How many years do I have

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left? I have to go to a job where I know what I’m going to make,” he said.

By late summer, Villalobos’s lawyers remained optimistic if tight-lipped about the case’s prospects. Knowing and naming the grower was a promising fact, as was the possession of piece cards documenting the problem. Yet the case was otherwise dispiritingly similar to hundreds of others that had come before it—workers cheated, problem documented, complaint filed. It will probably be months before the case is decided or settled, and it will be years before anyone knows if it manages to achieve its true goal: pushing contractors and growers to pay honest wages as a matter of course.

Villalobos told me several times that he knew he had many advantages: work experience, legal citizenship, facility though not fluency in English. This acknowledgment was almost always a prelude to discussions about

wages and work hours, the lack of respect he felt from his employers, and the difficulty of watching Juana die. He had traveled all over California and the Southwest and had lifted himself from a dirt-floor hut in the woods to a life with a trailer and a truck. But when I visited him for the final time, after the case had been filed, he sat on the floor of his trailer, rusted onion shears and worn work gloves spread out in front of him, and said without preface: “If I look back, I didn’t do anything in my life. I have to do something to defend myself and those who come after me. I would like to see some change before I die.”

For generations of Americans, immigrants and otherwise, farmwork has been the first rung on the long ladder leading to the nation’s middle class. Fieldwork is a “gateway” job, says Williams, the advocate with Florida Legal Services. “Only about one in ten undocumented workers work in agriculture,” he says. “But if you ask undocumented workers, ‘What was your first job in the U.S.?’ a great many would tell you that it was in agriculture.”

As the last generation of farmworkers rose up that ladder, filtering into the economy, the dynamic shifted, says Greg Schell, a colleague of Williams’s. More farmworkers now stay in the fields—or return to Mexico—and fewer American jobs offer markedly better opportunities. “When I came out of law school, my hope was some day, I’d see farmworkers approach the economic mainstream. The things that made their employment so unusual—contractors, wage theft—would disappear, and they’d look more like the general workforce,” he says. “That has happened, but it’s happened in the wrong direction. What’s happened is the general population is looking more like farmworkers.”

Back in his trailer, in the springtime heat, Villalobos was steeling himself for the return to onions. In his experience, the growers, contractors, and government seemed to be allied, complacent if not cynical about the terms of work in the fields. After seven decades of farm labor, the word Villalobos uses to describe the institutions that have shaped his life is *mafia*. When I asked for a better translation, he told me there was no other word. ■

Translation assistance provided by Jackie Guzmán



In summer, toxic blue-green algae blooms plague freshwater

September 17, 2012, By Jessica Marshall
Reporter, [Food & Environment Reporting Network](#)



Tainter Lake in Dunn County, Wis., is notorious for its algae blooms. Officials just passed an ordinance requiring waterfront property to maintain a 35-foot-deep buffer strip along the water's edge to slow runoff, which feeds the algae.

One summer day two years ago, Danny and Laura Jenkins' black Labrador retriever, Casey, returned from a swim in Ohio's Grand Lake St. Marys carpeted in thick green slime and reeking. Danny Jenkins washed the dog off and, at some point, got some of the gunk in his left eye.

A few weeks later, Danny Jenkins found himself in the hospital, unable to feel his left side and with ulcers in his eye, slurred speech, stomach problems and more, according to his wife. At home, Casey began staggering and walking sideways. The dog's eyes turned yellow. On the day Danny Jenkins came home from the hospital, still ill, Casey died.

The scum that had coated Casey during his swim turned out to be blue-green algae, or cyanobacteria. Later tests of the lake detected liver toxins and neurotoxins produced by various cyanobacteria. Casey was buried before any diagnostic tests could be done, but the

doctor who treated Danny Jenkins thought his symptoms came from the algal toxins he was exposed to while washing his dog.

"The conclusion was he had encephalitis from algae bloom toxin," said Dr. Wilfred Ellis of Lima, Ohio.

Two years later, after months of physical therapy and disability, Danny Jenkins is back working full time, but he's still paying his medical bills, tires easily and often forgets things. "He's not himself," Laura Jenkins said.

Every summer as temperatures rise, blooms of cyanobacteria like the one in Grand Lake St. Marys develop in lakes and rivers across the country, turning waters intense green and coating swaths of their surfaces with putrid-smelling blue-green algae that look like pea soup. The blooms occur in nearly every state, peaking in August and September. And although no national agency tracks the blooms, experts say they are getting worse, driven by fertilizer and manure runoff into lakes and streams combined with a warming climate.

"Nationally, the problem is definitely growing," said Jeffrey Reutter, director of the Stone Laboratory at The Ohio State University. Reutter has seen the blooms increase on Lake Erie since the mid-1990s, reversing decades of improving water quality. Last summer's record-shattering blooms covered 3,000 square miles of the lake – almost a third of its surface – and severely cut into its more than \$1 billion fishing industry.

Blooms have closed lake beaches or led to swimming advisories from Vermont's Lake Champlain to Dorena Reservoir in Oregon and from Florida's Caloosahatchee River to Wisconsin's Lake Menomin. In addition to the health risks, the blooms take an economic toll. An estimate by Walter Dodds of Kansas State University conservatively puts the annual cost of freshwater algal blooms at more than \$1 billion from lost recreation and depressed property values.

Cyanobacteria occur naturally in lakes, typically at low concentrations that are not harmful and not visible. But when levels of key nutrients – particularly phosphorus – in a water body soar and combine with high temperatures and stagnant water, the organisms thrive. Under these conditions, they outpace growth of other types of algae and streak or coat the water with bright, sometimes iridescent, blooms of green or blue-green cells.

Looking for the source of the problem, experts point to agriculture: Phosphorus-laden fertilizer and manure can wash directly into waterways, and eroding sediment from farmlands carries the substance, too. In addition, flows from sewage treatment plants and urban storm drains, runoff from lakeside lawns, and discharges from industries such as pulp and paper mills also can contribute phosphorus to streams and lakes.

But why are the blooms getting worse? Reutter points primarily to changes in agricultural practices. Many farmers now apply fertilizer and manure to their fields when the ground is frozen in winter, he said, because it's easier to drive equipment over the hard surface. As a result, the fertilizer stays on top of the soil, where spring rains readily wash it

into nearby waterways. In addition, researchers recently have found that drainage tile systems beneath fields – an increasingly popular method for improving crop growth that keeps fields from becoming soggy after rains – may contribute as much as half the dissolved phosphorus that comes off a given field.

Climate change is also part of the picture, said Richard Stumpf of the National Oceanic and Atmospheric Administration in Silver Spring, Md. “The longer the warm period you have in the summer, the more likely you are to have (blooms),” he said, especially if hot, dry conditions follow intense spring storms. Those extreme storms may become more frequent with global warming.

“We can’t answer one way or another what a drought will do,” Stumpf said, addressing this year’s dry conditions. In some areas, this summer’s heat led to earlier seasonal blooms. But in Lake Erie, drought this spring meant that little phosphorus washed into the lake, leading Stumpf and Reutter to predict that this year’s blooms will be just one-tenth the size of those in 2011.



Credit: NASA MODIS data processed by R. Stumpf, NOAA
An October 2011 satellite image of Lake Erie shows bright-green cyanobacteria blooms covering large areas of the lake.

This chance reprieve has given the Lake Erie area time to try to control phosphorus runoff. “We’ve really bought, in many ways, an extra year to make improvements to sewage treatment plants and agricultural practices,” Reutter said. “But if we have a wet spring in 2013, we expect to see the bloom back again.”

Many people near the blooms complain of the smell – produced by ammonia and hydrogen sulfide as the cyanobacteria rot – using words like “putrid” and “gag.”

But worse, under conditions that scientists don’t completely understand, cyanobacteria can produce toxins that cause asthmalike symptoms, severe vomiting or diarrhea, or irritated skin or eyes. As in the Jenkins case, some of the toxins also act on the liver; this might also lead to cancer, if people are exposed over long periods of time. People and animals encounter the toxins when they swallow or swim in contaminated water or inhale water droplets suspended in air, according to the Ohio Department of Health.

Danny Jenkins’ experience is among the most serious to have been reported, though experts agree that many cases go unreported or are misidentified. The same year Jenkins fell ill, a YMCA camp on another Ohio lake closed its beach after 19 campers and staff became sick with

stomach problems. Last summer, U.S. Sen. James Inhofe, R-Okla., reported stomach illness after swimming in Grand Lake, Okla., during a bloom. In Wisconsin alone, 98 people have reported illness from blue-green algae exposure over the past three years.

Dog deaths are all too common. Five dogs died after exposure to blue-green algae in a Kansas lake last year, and five died in Ohio in 2010. Dogs are particularly susceptible because they gulp water and often lick algae off their fur after a swim. Earlier this summer in Marion County, Kan., a rancher lost 22 cattle: They drank from a farm pond laden with a type of cyanobacteria that produces neurotoxins, according to a veterinarian involved in the case.

The blooms also repel tourists, harming summer vacation businesses around affected lakes. On Lake Petenwell, a large manmade lake in central Wisconsin, Tom Koren, owner of a marina, restaurant and bar called The Lure Bar & Grill, has seen the number of boat slips he rents fall by half.

“Typically, a bay like the marina will be caked from one shore to the other, solid green with iridescent blue, up to 6 inches thick,” said Koren, who co-founded a group called the Petenwell and Castle Rock Stewards, which aims to improve water quality on local lakes. “You’ll see squirrels walking on it.”

“People will come in and request their money back and take their boat elsewhere,” he added.

When cyanobacteria bloom in reservoirs that supply drinking water, they can clog pipes or poison the water. Utilities might have to truck in water or add extra treatment. When Lake Erie experienced its record-setting blooms last year, the city of Toledo was forced to spend an extra \$3,000 to \$4,000 a day treating the drinking water it drew from the lake. Even when large blooms aren’t present, nontoxic “taste and odor” compounds produced by the algae can give water a dirty taste. Wichita, Kan., spent several million dollars to add ozone treatment for the water it uses from Cheney Reservoir, where elevated levels of cyanobacteria are a regular occurrence.

Studies show that mixing fertilizer into the soil can reduce runoff by 50 percent and that no-till farming, in which plowing is minimized, can reduce sediment runoff by a third, Reutter said. Drainage from tiled fields also must be managed so that it doesn’t pollute waterways, he said.

“There isn’t any one particular strategy that is going to solve this problem for every farm,” said Tom Quinn, executive director of the Wisconsin Farmers Union. “But each farm has a set of things that they should be doing to protect the water around them and to protect their own soil.”

Meanwhile, Wisconsin's Dunn County, which includes Lake Menomin and Tainter Lake, both notorious for their blooms, just passed a controversial ordinance requiring all waterfront property, including agricultural lands, to maintain an unmowed 35-foot-deep buffer strip along the water’s edge – a key strategy, experts agree, to soak up the runoff before it reaches the water. In addition, Wisconsin recently passed legislation to control phosphorus.

“We know what it takes to fix this stuff,” said Patrick “Buzz” Sorge of the Wisconsin Department of Natural Resources. “We just have to find the social and political will to get this done.”

This article was produced in collaboration with the [Food & Environment Reporting Network](#), an independent, nonprofit news organization, focusing on food, agriculture and environmental health.

ABC VIDEO: [Lake Invaders on ABS News Tonight, September 30, 2012](#)

Michelle Obama's Moves

By Bridget Huber | October 10, 2012



First lady Michelle Obama speaks during an event to discuss her Let's Move! initiative to combat childhood obesity, at the Lenfest Police Athletic (PAL) Center, Wednesday, July 18, 2012, in Philadelphia (AP Photo/Matt Rourke)

This article was produced in collaboration with the nonprofit [Food & Environment Reporting Network](#), an investigative reporting nonprofit focusing on food, agriculture and environmental health.

In March 2010, Michelle Obama stood on a stage in Washington and leveled a challenge at the food industry's biggest players. "We need you all to step it up," she told a meeting of the Grocery Manufacturers Association. Just a month earlier, she'd launched the Let's Move campaign, the Obama administration's flagship anti-obesity program, which is aimed at reversing the childhood obesity epidemic by 2030.

The first lady hit talking points that would make any children's health expert happy. She urged the manufacturers of products like Doritos, Froot Loops and SpaghettiOs to make them healthier,

to cooperate with the government on new food labels, and to get serious about reining in junk food marketed to kids. “What does it mean when so many parents are finding that their best efforts are undermined by an avalanche of advertisements?” she asked. The speech was a thrilling display of Mrs. Obama’s mettle and a watershed moment, raising expectations among health advocates. Marion Nestle, professor of nutrition, public health and food studies at New York University and a tough critic of Big Food, put it this way: “It was a knockout. An absolute knockout.”

That spring seemed to be a season of promise that the blight of childhood obesity—which is on track to make today’s kids the first generation of Americans to live shorter lives than their parents—might still be beaten back. Seedlings were pushing up through the soil in the White House kitchen garden, which was in its second season since the first lady had resurrected it; now she was using it as a focal point for a national conversation about food. A presidential task force was charting an ambitious action plan to meet the goals of Let’s Move. And at the forefront of it all was the enormously popular mother in chief, who had surprised and impressed many when she chose to make the contentious issue of childhood obesity a focus of her White House tenure.

But three and a half years since the ground was broken on the White House garden, many of those who’d had high hopes say the first lady has logged only modest successes. Experts credit Mrs. Obama for her instrumental role in reforming school lunches, limiting TV watching and increasing healthy food at childcare centers—and, perhaps most important, using her bully pulpit to bring issues of food and nutrition to national attention. But, they say, reversing the childhood obesity epidemic in a generation requires more of the bold action that Mrs. Obama hinted at in her address to the Grocery Manufacturers Association.

From that inspiring moment in March 2010, the administration’s strategy appears to have shifted. Or perhaps its resolve has eroded, for it remained mute during a bitter fight to limit junk-food marketing to kids. It has also forged controversial—some say compromising—partnerships with food manufacturers.

“Looking back on it, it’s enough to make you weep. So little has been able to be achieved,” said Nestle.

Observers put the blame less on a lack of goodwill than on the political realities of taking on the multibillion-dollar food industry, which has lots of lobbying money and friends in Congress and no qualms about fanning the fears of government overreach when it perceives a threat to its interests. “It’s a real example of the power corporations have over American government and American life,” Nestle said.

It also raises fundamental questions about whether the goals of public health and those of the food industry are at irreconcilable odds. Should those who seek to address the obesity crisis treat food companies as collaborators or as adversaries?

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It's hard to imagine a better spokeswoman for the problem of childhood obesity than Michelle Obama. She's not just charismatic and glowingly fit, but whether dancing the Dougie with school kids or digging in a carrot patch, she puts forth a disarming everymom persona that doesn't wag a finger but says instead, "We're all in this together." She has couched the political in the personal by sharing her struggle to put healthy food on the table and keep her girls at a healthy weight. She even wrote about it in a gorgeous book published this year about the White House garden. It's all gone a long way to scrubbing off the elitist label that often tarnishes advocates who seek to change the food system and make the obesity issue a national concern. "In order to make progress on something like childhood obesity, you need the nation to care about it. She's been helpful in that respect," said Kelly Brownell, director of the Rudd Center for Food Policy and Obesity at Yale University.

The proportion of obese or overweight kids has nearly tripled in the past thirty years—the figure is now one in three—and doctors have detected disturbing signs of heart disease and what was once known as adult-onset diabetes in young people. While there are indications that the epidemic is plateauing, it hasn't started to recede yet, though cities like New York and Philadelphia and states like Mississippi and California have recently reported modest declines in childhood obesity rates. But these are "tiny drops compared to the tidal wave of bad things," Brownell said.

Buoyed by her garden's success, in 2009 the first lady set her sights on school lunches, which hadn't been updated in a generation and, amazingly, had minimum calorie levels set but no maximum. This change could have a big impact on low-income kids, who eat most of their meals at school. Mrs. Obama and her staff worked behind the scenes to get a reform bill passed. There was no shortage of drama: Congress inserted itself into the debate to keep french fries on school lunch trays and to count the tomato paste on pizza as a vegetable. But school lunch reform, signed into law in December 2010 as the Healthy, Hunger-Free Kids Act, was ultimately a triumph for the first lady: it gave the Department of Agriculture, for the first time, the power to regulate foods sold in à la carte lines, vending machines and school stores. Margo Wootan, nutrition policy director at the Center for Science in the Public Interest (CSPI), said that Mrs. Obama and her staff were key: "I don't know that we could have passed the bill without their efforts."

As the first lady battled behind the scenes to push through school lunch reform, she also unveiled the Let's Move campaign in February 2010. It had a highly ambitious goal of rolling back the childhood obesity rate to 5 percent, the level it was in 1976, before the epidemic began. To get there, Let's Move would organize its work around five pillars: giving kids a healthy start in life; empowering parents and caregivers to make healthy choices for kids; improving school food; ensuring access to healthy food; and promoting physical activity.

Just three months after Let's Move was launched, the White House Task Force on Childhood Obesity released a report billed as the campaign's action plan. Among its seventy recommendations was one urging food companies to develop uniform voluntary standards for marketing food to kids that conform to federal dietary guidelines. Children's health advocates have long sought to restrict junk-food advertising to kids, which the Institute of Medicine says contributes to obesity. If these voluntary measures didn't work, the report said, federal agencies

could step in and regulate. It also called, among other things, for the regulation of the foods sold in schools and clearer nutrition labels for packaged foods: hot-button issues for an industry resistant to such changes.

In a speech announcing the report, the first lady stressed the need to work together: “No one gets off the hook on this one—from governments to schools to corporations to nonprofits, all the way down to families sitting around their dinner table.”

At the same time that the administration hinted at the possibility of new regulations, it also sought out partnerships with the food industry in what might be viewed as a carrot-and-stick approach. The question raised by this tactic was: Do voluntary partnerships actually work, or do they merely allow food companies to burnish their image, even as their Washington lobbyists battle real reform measures?

Brownell, of the Rudd Center, spelled out the divergent views in a commentary for the journal *PLOS Medicine* in July. On one side are those who believe that food manufacturers shouldn’t be regulated in the same way as tobacco or alcohol companies. (Wootan at CSPI takes that position: “People don’t need tobacco, and you want everyone to stop smoking.” But with food, “the goal is to get those companies to shift their mix of healthy products.”)

“The assumption is that this industry is somehow different than others, and that because people must eat, the industry is here to stay, and like it or not, working with them is the only solution,” Brownell wrote.

But after thirty years’ work on policy and public health, Brownell has concluded that this position is “a trap,” writing: “I expect history will look back with dismay on the celebration of baby steps industry takes (such as public-private partnerships with health organizations, ‘healthy eating’ campaigns, and corporate social responsibility initiatives) while it fights viciously against meaningful change (such as limits on marketing, taxes on products such as sugared beverages and regulation of nutritional labeling).”

While Brownell concedes there are small victories to be gained by working with industry, he insists that the childhood obesity crisis won’t be solved without forcing food companies to do the things they don’t want to do. History is littered with unfulfilled industry promises to protect kids’ health, he said in an interview. A recent example was the “Smart Choices” label, introduced in 2009 by fourteen major food companies, including Kraft, Kellogg, PepsiCo and Unilever. The program gave Fudgsicles, Lucky Charms and Kid Cuisine Magical Cheese Stuffed Crust Pizza a little green check mark designating them as “smart” choices. Nutrition experts argued they were anything but healthy.

Or as Brownell put it: “How many more times are we going to get sucker-punched by the industry?”

Mrs. Obama’s remarks to the grocery manufacturers, though, implied an awareness of the historical tensions between the food industry and public health efforts. In her speech, she harked back to the early twentieth century, when adulterated foods—including the tubercular beef that

Upton Sinclair described in *The Jungle*—led to the passage of the 1906 Pure Food and Drug Act and laid the groundwork for today’s Food and Drug Administration. “Instead of opposing that law and instead of viewing it as a threat, many manufacturers decided to embrace it,” Mrs. Obama said. Calling the obesity epidemic a “similar opportunity,” she added, “They also realized that increasing public trust and improving products all across the industry as a whole would benefit each of them individually.” It was both a subtle defense of regulation and a signal to food companies that their interests and that of the government weren’t necessarily at odds.

In that spirit, Let’s Move has taken a collaborative approach, forming a nonprofit group called the Partnership for a Healthier America to create and manage private sector alliances. “We don’t want to be pushing people *from* the table; we want to be bringing people *to* the table,” said Larry Soler, the group’s CEO, a former executive with the Juvenile Diabetes Research Foundation. The problem of childhood obesity is so broad and complex that no single approach will solve it, Soler added: “Virtually everyone has a role to play in this fight. It’s not just food companies; it’s schools and families. There’s a big problem here, and we’re going to need everyone to play a part.”

One of the advantages of the voluntary approach, Soler said, is that changes can be put in place quickly. Changing regulations or writing new ones is a slow process, though he noted that his group’s voluntary agreements have not interfered with legislative or policy-making efforts. Observers have pointed out that a collaborative approach might also result in less blowback from Republicans and industry-friendly Democrats who have sought to shut down regulatory efforts in Congress, for example, by limiting appropriations.

While seeking cooperation, the organization has also taken steps to avoid the industry’s “sucker punch.” For starters, it signs partnerships only with companies it believes will have a real impact, and it seeks out the advice of nutrition experts to help make that call, like the CSPI’s Wootan, who recently became an informal adviser. Many of the conversations between the group and would-be partners never result in an agreement, Soler said, because some companies find the organization’s standards too strict. (The group is also funded by foundations with health-related missions—not industry money.)

For example, companies that partner with Soler’s group must agree to an evaluation that determines whether the company followed through on its commitment; the results are made public. “The companies that make it through our process are very serious and are extremely committed,” Soler said.

Partnerships like these aren’t unique, even for public health advocates. “Partnerships with industry are essential to addressing nutrition and obesity issues,” Wootan said. “You can’t not talk to companies.”

But there is concern about a group closely allied with the government collaborating with entities the government is supposed to oversee. “It normalizes this idea of voluntary partnerships [with] industry as a substitute for real policy-making,” said Michele Simon, a public health lawyer and frequent food-industry critic.

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The first corporate agreement the Partnership for a Healthier America announced came in 2010: it was with the Healthy Weight Commitment Foundation, a coalition that includes food giants PepsiCo, Nestlé and Coca-Cola and industry groups such as the Food Marketing Institute. The coalition, which has pledged to cut 1.5 trillion calories from its members' products by 2015, will undergo a multimillion-dollar evaluation by an independent team funded by the Robert Wood Johnson Foundation.

While “1.5 trillion calories” makes for a good sound bite, it would, however, take us back only to 2007 levels, and it's not even close to the 69 trillion calories that would have to be removed from the food supply to take us back to 1970 levels, according to calculations by Hank Cardello, a former executive with Coca-Cola and other food companies who now directs the Hudson Institute's Obesity Initiative. It won't be difficult at all for the companies to meet their mark, said Barry Popkin, a professor of nutrition at the University of North Carolina at Chapel Hill who is leading the evaluation. “It's easy. They can cut a little fat or take some fat out and add some sugar in. They could just cut a few calories out of their beverages and do it.”

Popkin's evaluation will look at national health data to see whether the calorie cuts improve health. The hard part, he said, will be getting consumers to buy the healthier foods. (There is also the worry that tweaking processed foods to make them slightly less unhealthy might lead people to eat more packaged products rather than the whole foods health experts advocate.)

But even incremental change is worth celebrating, said Lawrence Cheskin, director of the Johns Hopkins Weight Management Center. “Everything that will lead us in the right direction should be applauded. Purists will argue this is just window-dressing, but it is a step in the right direction.”

Even more controversial has been the first lady's alliance with Walmart. In January 2011, the chain said it had made an agreement with the Partnership for a Healthier America to cut prices on healthy foods, reduce the sodium and sugar in packaged foods, and open stores in “food deserts”—neighborhoods lacking fresh grocery retailers. “It's a victory for parents...it's a victory for families...and, most of all, it's a victory for our children,” Michelle Obama said at the press conference.

When a giant like Walmart takes even a small step, it can affect millions, and public health experts have praised some of its efforts, including a stricter food labeling system. To some, the Walmart partnership was a sign that Mrs. Obama was putting politics aside in a pragmatic bid to make real change in the food system. The chain's plans to move into food deserts, however, were dismissed by some as an expansion strategy cloaked in social responsibility. The company had been looking to crack urban markets (particularly in progressive cities where it is unpopular) for years, and Mrs. Obama's endorsement was a public relations dream [see “[Walmart's Fresh Food Makeover](#),” October 3, 2011]. Putting Walmarks in food deserts, critics worried, could harm the infrastructure of urban farms, food co-ops and farmers' markets that have taken root in such places in recent years. Michel Nischan, the CEO of the nonprofit Wholesome Wave, which

doubles the value of food stamps at farmers' markets in twenty-eight states, isn't too concerned. "There's plenty of need to go around," he said.

But the bitterest food fight of the Obama administration took place in 2011 over an effort to limit junk-food marketing to kids. In Mrs. Obama's 2010 speech to food manufacturers, she took the industry to task for marketing unhealthy foods to kids. "Parents are working hard to provide a healthy diet and to teach healthy habits," she said, "and we'd like to know that our efforts won't be undermined every time our children turn on the TV or see a flashy display in the store."

In 2009, Congress had ordered four federal agencies—the Federal Trade Commission, the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Department of Agriculture—to form what became known as the Interagency Working Group and develop a set of guidelines for marketing foods to kids. The standards were to be voluntary, but were nonetheless seen by health advocates as a significant improvement over the current practice, in which each company creates and follows its own marketing guidelines. Now, at least, there would be wider input and standardization.

The industry saw the guidelines as a precursor to regulation. After the first draft was released for public comment in April 2011, the industry released a report that said the guidelines would kill 75,000 jobs. The US Chamber of Commerce said the standards reflected "an unhealthy federal intention and impulse to ban free speech." Food companies began a lobbying and spending frenzy that convinced nearly a third of the Senate and 40 percent of the House to write letters to federal agencies criticizing the proposed rules, according to an analysis of congressional correspondence by the Sunlight Foundation. Food and media companies also pleaded their case at the White House: logs examined by Reuters showed that top executives from Nestlé, Kellogg, General Mills and the media companies Walt Disney, Time Warner and Viacom (which owns Nickelodeon) visited the White House together in July 2011. Two people present at the meeting told Reuters they were there to speak out against the standards. All three food companies are members of the Healthy Weight Commitment Foundation, the Let's Move partnership that agreed to cut calories from their products.

The guidelines' supporters assumed they had an ally in the Let's Move campaign. Public health groups widely supported the proposed rules, which also appeared popular with the public: the FTC received 28,000 public comments in favor and just 1,000 against. Health advocates hoped Mrs. Obama would deploy the quiet leadership that had helped pass the school nutrition bill in support of the guidelines. They were wrong. "On food marketing to kids, we haven't gotten any help from Let's Move," said Wootan, of the Center for Science in the Public Interest.

Wootan, who had originally come up with the idea of government-led voluntary standards, said she and other advocates called and visited the White House, including the first lady's office. They spoke to the agencies involved, and even suggested ways for the administration to rebut what she calls the industry's "bogus talking points."

"The White House was silent," she said, referring to both the West and East wings. Wootan says she never got a satisfactory answer from the Obama administration as to why they wouldn't support the proposed rules. Agencies and offices pointed fingers at one another, she said. White

House officials, however, maintain that they supported the effort and blamed Congress for the lack of progress. “We were disappointed when Congress granted the food industry’s requests and placed new demands on the working group,” said Nick Papas, President Obama’s assistant press secretary.

In December 2011, Congress passed a budget bill with a rider that blocked the FTC from working on the marketing standards until it completed a cost-benefit analysis. An administration official said in September that the rider in effect killed the standards, since there was no “credible way” to conduct a cost-benefit analysis on voluntary guidelines.

Eight months later, the first lady announced that Disney—one of the companies that had lobbied against the Interagency Working Group’s voluntary standards—had agreed to end junk-food marketing to kids by 2015. But Disney’s standards aren’t as strict as the guidelines it opposed, and it’s unclear how they will be evaluated. They are comparable instead to the voluntary rules adopted by the Better Business Bureau’s Children’s Food and Beverage Advertising Institute, which cover about 80 percent of foods advertised, including those of Kraft, PepsiCo and Kellogg, Wootan said. These are the kind of voluntary industry-led rules that child health advocates have found so wanting. At the announcement, Disney chief executive Bob Iger stood beside top regulators involved in the Interagency Working Group and told reporters that actions like Disney’s could “create huge change without having the government step in to directly regulate or legislate our efforts,” Reuters reported at the time. A Disney spokesman would not elaborate, saying only that the company had been working on childhood nutrition initiatives since 2006 and was strongly supportive of Let’s Move.

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In November 2011, speaking at a summit organized by the Partnership for a Healthier America, Mrs. Obama heaped praise on the food companies. She congratulated manufacturers for cutting sugar and salt, restaurants for overhauling kids’ menus, and grocery stores for building in food deserts, and she also praised the efforts of parents and schools. Then she pivoted: “I want to talk about the crisis of inactivity that we see among our kids and what each of us can do to start solving that problem.”

Eddie Gehman Kohan, founding editor of Obama Foodorama, a blog that has chronicled every food-related facet of the administration, called it “a fundamental shift.” Nestle, Simon and others registered dismay at what they saw as a departure from the politically charged arena of food. Food companies like to talk about exercise because it shifts the emphasis from their products and reinforces the industry’s insistence that any food can have a place in a healthy diet. It also shifts the conversation from one about systemic problems—such as food marketing—to individual lifestyle choices (i.e., “just exercise more!”). But studies show that exercise, while offering huge health benefits, cannot by itself address obesity or ward off the weight gain that arises from eating junk food.

Sam Kass, assistant chef and senior policy adviser for healthy-food initiatives at the White House, insists that reports of a “fundamental shift” are incorrect and that exercise was one of

Let's Move's pillars from the beginning. "The notion that we were somehow moving away from nutrition was simply wrong," he said.

Gehman Kohan, writing in an e-mail, added: "It makes for an attention-grabbing headline to accuse the First Lady of 'caving' to greedy private interests that might donate to the Obama campaign during an election year, but that simply was not the case."

An examination of press releases from both Let's Move and the Partnership for a Healthier America put out since the first lady's speech in November 2011 shows that the number of food- and exercise-related announcements have been about even. Before Mrs. Obama's November speech, however, food announcements greatly outnumbered those related to exercise by more than two to one, which might explain why some perceived a shift. Soler said exercise partnerships have been in the works for some time but have taken longer to coalesce.

The trajectory of Let's Move has left many of those initially optimistic about the program feeling doubtful that it will accomplish much more: the best of intentions appear to be mired in the unhappy realities of American politics. "It's dead in the water," Nestle said. "They can get some little tweakings through, maybe, but the force of it is gone. It's compromised at this point."

Kass is much more enthusiastic: "We've made progress beyond anything we could have dreamed of two and a half years ago. We've seen this issue become front and center in the minds of millions."

That's due largely to Mrs. Obama's leadership and persuasion. But her sole authority is moral authority. While she's brought tremendous attention to obesity and healthy living, she doesn't have the power to make the regulatory changes that public health experts say are key. "It's not her fault," said Simon. "She's just in the wrong wing of the White House."

Brownell likewise said he doesn't blame the Obama administration and Let's Move for failing to accomplish broader change. "*Citizens United* didn't help, the fact that we're in an election year will slow things down, and regulatory agencies have been gun-shy," he said. Noting the campaign's substantial victories, such as school lunch reform and improved nutrition at daycare centers, he added: "Those are some pretty big changes, but not signs the food industry is changing its ways."

If leaders are to take the bold steps, such as soda taxes and marketing restrictions, that public health advocates urge, they'll need to be backed—and pushed—by a more vigorous movement. "What they need is a public that demands these things and that gives politicians cover to take these actions," Brownell said. Without that, Let's Move may well have done all the moving it can.

THE Nation.

Fracking Our Food Supply

By Elizabeth Royte | November 28, 2012

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Healthy cattle on the Schilke ranch in North Dakota, before fracking began

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In a Brooklyn winery on a sultry July evening, an elegant crowd sips rosé and nibbles trout plucked from the gin-clear streams of upstate New York. The diners are here, with their checkbooks, to support a group called Chefs for the Marcellus, which works to protect the foodshed upon which hundreds of regional farm-to-fork restaurants depend. The foodshed is coincident with the Marcellus Shale, a geologic formation that arcs northeast from West Virginia

through Pennsylvania and into New York State. As everyone invited here knows, the region is both agriculturally and energy rich, with vast quantities of natural gas sequestered deep below its fertile fields and forests.

In Pennsylvania, the oil and gas industry is already on a tear—drilling thousands of feet into ancient seabeds, then repeatedly fracturing (or “fracking”) these wells with millions of gallons of highly pressurized, chemically laced water, which shatters the surrounding shale and releases fossil fuels. New York, meanwhile, is on its own natural-resource tear, with hundreds of newly opened breweries, wineries, organic dairies and pastured livestock operations—all of them capitalizing on the metropolitan area’s hunger to localize its diet.

But there’s growing evidence that these two impulses, toward energy and food independence, may be at odds with each other.

Tonight’s guests have heard about residential drinking wells tainted by fracking fluids in Pennsylvania, Wyoming and Colorado. They’ve read about lingering rashes, nosebleeds and respiratory trauma in oil-patch communities, which are mostly rural, undeveloped, and lacking in political influence and economic prospects. The trout nibblers in the winery sympathize with the suffering of those communities. But their main concern tonight is a more insidious matter: the potential for drilling and fracking operations to contaminate our food. The early evidence from heavily fracked regions, especially from ranchers, is not reassuring.

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Drilling rig visible from the Schilke ranch in North Dakota

Jacki Schilke and her sixty cattle live in the top left corner of North Dakota, a windswept, golden-hued landscape in the heart of the Bakken Shale. Schilke’s neighbors love her black Angus beef, but she’s no longer sharing or eating it—not since fracking began on thirty-two oil and gas wells within three miles of her 160-acre ranch and five of her cows dropped dead. Schilke herself is in poor health. A handsome 53-year-old with a faded blond ponytail and direct blue eyes, she often feels lightheaded when she ventures outside. She limps and has chronic pain in her lungs, as well as rashes that have lingered for a year. Once, a visit to the barn ended with

respiratory distress and a trip to the emergency room. Schilke also has back pain linked with overworked kidneys, and on some mornings she urinates a stream of blood.

Ambient air testing by a certified environmental consultant detected elevated levels of benzene, methane, chloroform, butane, propane, toluene and xylene—compounds associated with drilling and fracking, and also with cancers, birth defects and organ damage. Her well tested high for sulfates, chromium, chloride and strontium; her blood tested positive for acetone, plus the heavy metals arsenic (linked with skin lesions, cancers and cardiovascular disease) and germanium (linked with muscle weakness and skin rashes). Both she and her husband, who works in oilfield services, have recently lost crowns and fillings from their teeth; tooth loss is associated with radiation poisoning and high selenium levels, also found in the Schilkes' water.

State health and agriculture officials acknowledged Schilke's air and water tests but told her she had nothing to worry about. Her doctors, however, diagnosed her with neurotoxic damage and constricted airways. "I realized that this place is killing me and my cattle," Schilke says. She began using inhalers and a nebulizer, switched to bottled water, and quit eating her own beef and the vegetables from her garden. (Schilke sells her cattle only to buyers who will finish raising them outside the shale area, where she presumes that any chemical contamination will clear after a few months.) "My health improved," Schilke says, "but I thought, 'Oh my God, what are we doing to this land?'"

Schilke's story reminds us that farmers need clean water, clean air and clean soil to produce healthful food. But as the largest private landholders in shale areas across the nation, farmers are disproportionately being approached by energy companies eager to extract oil and gas from beneath their properties. Already, some are regretting it.

Earlier this year, Michelle Bamberger, an Ithaca veterinarian, and Robert Oswald, a professor of molecular medicine at Cornell's College of Veterinary Medicine, published the first (and, so far, only) peer-reviewed report to suggest a link between fracking and illness in food animals. The authors compiled case studies of twenty-four farmers in six shale-gas states whose livestock experienced neurological, reproductive and acute gastrointestinal problems. Exposed either accidentally or incidentally to fracking chemicals in the water or air, scores of animals have died. The death toll is insignificant when measured against the nation's livestock population (some 97 million beef cattle go to market each year), but environmental advocates believe these animals constitute an early warning.

Exposed animals "are making their way into the food system, and it's very worrisome to us," Bamberger says. "They live in areas that have tested positive for air, water and soil contamination. Some of these chemicals could appear in milk and meat products made from these animals."

In Louisiana, seventeen cows died after an hour's exposure to spilled fracking fluid. (Most likely cause of death: respiratory failure.) In north central Pennsylvania, 140 cattle were exposed to fracking wastewater when an impoundment was breached. Approximately seventy cows died; the remainder produced eleven calves, of which only three survived. In western Pennsylvania, an overflowing waste pit sent fracking chemicals into a pond and a pasture where pregnant cows

grazed: half their calves were born dead. The following year's animal births were sexually skewed, with ten females and two males, instead of the usual 50-50 or 60-40 split.

In addition to the cases documented by Bamberger, hair testing of sick cattle that grazed around well pads in New Mexico found petroleum residues in fifty-four of fifty-six animals. In North Dakota, wind-borne fly ash, which is used to solidify the waste from drilling holes and contains heavy metals, settled over a farm: one cow, which either inhaled or ingested the caustic dust, died, and a stock pond was contaminated with arsenic at double the accepted level for drinking water.

Cattle that die on the farm don't make it into the nation's food system. (Though they're often rendered to make animal feed for chickens and pigs—yet another cause for concern.) But herd mates that appear healthy, despite being exposed to the same compounds, do: farmers aren't required to prove their livestock are free of fracking contaminants before middlemen purchase them. Bamberger and Oswald consider these animals sentinels for human health. "They're outdoors all day long, so they're constantly exposed to air, soil and groundwater, with no break to go to work or the supermarket," Bamberger says. "And they have more frequent reproductive cycles, so we can see toxic effects much sooner than with humans."

Fracking a single well requires up to 7 million gallons of water, plus an additional 400,000 gallons of additives, including lubricants, biocides, scale and rust inhibitors, solvents, foaming and defoaming agents, emulsifiers and de-emulsifiers, stabilizers and breakers. About 70 percent of the liquid that goes down a borehole eventually comes up—now further tainted with such deep-earth compounds as sodium, chloride, bromide, arsenic, barium, uranium, radium and radon. (These substances occur naturally, but many of them can cause illness if ingested or inhaled over time.) This super-salty "produced" water, or brine, can be stored on-site for reuse. Depending on state regulations, it can also be held in plastic-lined pits until it evaporates, is injected back into the earth, or gets hauled to municipal wastewater treatment plants, which aren't designed to neutralize or sequester fracking chemicals (in other words, they're discharged with effluent into nearby streams).

At almost every stage of developing and operating an oil or gas well, chemicals and compounds can be introduced into the environment. Radioactive material above background levels has been detected in air, soil and water at or near gas-drilling sites. Volatile organic compounds—including benzene, toluene, ethylene and xylene—waft from flares, engines, compressors, pipelines, flanges, open tanks, spills and ponds. (The good news: VOCs don't accumulate in animals or plants. The bad news: inhalation exposure is linked to cancer and organ damage.)

Underground, petrochemicals can migrate along fissures through abandoned or orphaned wells or leaky well casings (the oil and gas industry estimates that 60 percent of wells will leak over a thirty-year period). Brine can spill from holding ponds or pipelines. It can be spread, legally in some places, on roadways to control dust and melt ice. Truck drivers have also been known to illegally dump this liquid in creeks or fields, where animals can drink it or lick it from their fur.

Although energy companies don't make a habit of telling potential lease signers about the environmental risks they might face, the Securities and Exchange Commission requires them to

inform potential investors. In a 2008 filing, Cabot Industries cited “well site blowouts, cratering and explosions; equipment failures; uncontrolled flows of natural gas, oil or well fluids; fires; formations with abnormal pressures; pollution and other environmental risks.” In 2011, oil companies in North Dakota reported more than 1,000 accidental releases of oil, drilling wastewater or other fluids, with many more releases likely unreported. Between 2008 and 2011, drilling companies in Pennsylvania reported 2,392 violations of law that posed a direct threat to the environment and safety of communities.

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Schilke looks left and right, twice, for oncoming tanker trucks, then scoots down a gravel road in her camo-patterned four-wheeler. She parks alongside a leased pasture about a mile from her house and folds her body through a barbed-wire fence. “These guys are much healthier than those I’ve got at home,” she says, puffing as she hikes up a straw-colored hill. “There’s Judy...that’s Buttercup...those are my little bulls.” The black-faced animals turn to face her; some amble through the tall grass and present their foreheads for rubbing. “We’re upwind of the drill rigs here,” Schilke says. “They’re high enough to miss some of the road dust, and they’ve got good water.” Ever since a heater-treater unit, which separates oil, gas and brine, blew out on a drill pad a half-mile upwind of Schilke’s ranch, her own creek has been clogged with scummy growth, and it regularly burps up methane. “No one can tell me what’s going on,” she says. But since the blowout, her creek has failed to freeze, despite temperatures of forty below. (Testing found sulfate levels of 4,000 parts per million: the EPA’s health goal for sulfate is 250 parts per million.)

Schilke’s troubles began in the summer of 2010, when a crew working at this site continued to force drilling fluid down a well that had sprung a leak. Soon, Schilke’s cattle were limping, with swollen legs and infections. Cows quit producing milk for their calves; they lost from sixty to eighty pounds in a week; and their tails mysteriously dropped off. (Lab rats exposed to the carcinogen 2-butoxyethanol, a solvent used in fracking, have lost their tails, but a connection with cattle hasn’t been shown. In people, breathing, touching or consuming enough of the chemical can lead to pulmonary edema and coma.)



Schilke ranch cow that has lost its tail, one of many ailments found in cattle following hydrofracturing of the Bakken Shale in North Dakota

An inveterate label reader who obsessively tracks her animals' nutritional intake, Schilke couldn't figure out what was wrong. Neither could local veterinarians. She nursed individual cows for weeks and, with much sorrow, put a \$5,000 bull out of its misery with a bullet. Upon examination, the animal's liver was found to be full of tunnels and its lungs congested with pneumonia. Before the year was out, five cows had died, in addition to several cats and two dogs. (Hair testing of Schilke's cats and dogs revealed elevated selenium levels, while water tests showed sulfate at levels high enough, Schilke's vet told her, to cause polio in cattle.) Inside Schilke's house today, where the china cabinets are kept empty for fear of a shattering drill-site explosion, nearly a dozen cats sneeze and cough, some with their heads tilted at a creepy angle.

Before the drilling started, two cars a day traveled down Schilke's gravel road. Now, it's 300 trucks hauling sand, fresh water, wastewater, chemicals, drill cuttings and drilling equipment. Most of the tankers are placarded for hazardous or radioactive material. Drilling and fracking a single well requires 2,000 truck trips, and each pass of a vehicle sends a cyclone of dust and exhaust fumes into the air. Mailbox numbers are obliterated, conversations are choked off, and animals die of "dust pneumonia." (More formally known as bovine respiratory disease, the illness is associated with viral, fungal and bacterial infection.)

Ordinarily, Schilke hauls her calves to auction when they're eight months old. "Buyers come from everywhere for Dakota cows," she says. The animals are then raised on pasture or in feedlots until they are big enough for slaughter. No longer Schilke cattle, they're soon part of the commodity food system: anonymous steaks and chops on supermarket shelves. Now, Schilke is diffident about selling her animals. "I could get good money for these steers," she says, cocking her head toward a pair of sleek adolescents. "They seem to be in very good shape and should have been butchered. But I won't sell them because I don't know if they're OK."

* * *

Nor does anyone else. By design, secrecy shrouds the hydrofracking process, casting a shadow that extends over consumers' right to know if their food is safe. Federal loopholes crafted under former Vice President Dick Cheney have exempted energy companies from key provisions of the Clean Air, Clean Water and Safe Drinking Water Acts, the Toxics Release Inventory, the Resource Conservation and Recovery Act, and the National Environmental Policy Act, which requires a full review of actions that may cause significant environmental impacts. If scientists and citizens can't find out precisely what is in drilling or fracking fluids or air emissions at any given time, it's difficult to test whether any contaminants have migrated into the water, soil or food—and whether they can harm humans. It gets even more complicated: without information on the interactions between these chemicals and others already existing in the environment, an animal's cause of death, Bamberger says, "is anyone's guess."

Fracking proponents criticize Bamberger and Oswald's paper as a political, not a scientific, document. "They used anonymous sources, so no one can verify what they said," Steve Everley, of the industry lobby group Energy In Depth, says. The authors didn't provide a scientific assessment of impacts—testing what quaternary ammonium compounds might do to cows that drink it, for example—so treating their findings as scientific, he continues, "is laughable at best, and dangerous for public debate at worst." (Bamberger and Oswald acknowledge this lack of scientific assessment and blame the dearth of funding for fracking research and the industry's use of nondisclosure agreements.)

No one doubts that fracking fluids have the potential to do serious harm. Theo Colborn, an environmental health analyst and former director of the World Wildlife Fund's wildlife and contaminants program, identified 632 chemicals used in natural-gas production. More than 75 percent of them, she said, could affect sensory organs and the respiratory and gastrointestinal systems; 40 to 50 percent have potential impacts on the kidneys and on the nervous, immune and cardiovascular systems; 37 percent act on the hormone system; and 25 percent are linked with cancer or mutations.

Thanks to public pressure, several states have started to tighten regulations on the cement casings used to line wells, and the Obama administration recently required energy companies to disclose, on the industry-sponsored website fracfocus.org, the fracking chemicals used on public land. (States regulate fracking on private land and set different requirements.) Still, information about quantities and concentrations of the chemicals remains secret, as do compounds considered proprietary. Further, no state requires a company to disclose its ingredients until a fracking job is

complete. At that point, it's easy to blame the presence of toxins in groundwater on a landowner's use of pesticides, fertilizers or even farm equipment.

Clearly, the technology to extract gas from shale has advanced faster, and with a lot more public funding, than has the study of its various effects. To date, there have been no systematic, peer-reviewed, long-term studies of the health effects of hydraulic fracturing for oil and gas production (one short-term, peer-reviewed study found that fracking emissions may contribute to acute and chronic health problems for people living near drill sites). And the risks to food safety may be even more difficult to parse.

"Different plants take up different compounds," says John Stolz, an environmental microbiologist at Duquesne University. For example, rice and potatoes take up arsenic from water, but tomatoes don't. Sunflowers and rape take up uranium from soil, but it's unknown if grasses do. "There are a variety of organic compounds, metals and radioactive material that are of human health concern when livestock meat or milk is ingested," says Motoko Mukai, a veterinary toxicologist at Cornell's College of Veterinary Medicine. These "compounds accumulate in the fat and are excreted into milk. Some compounds are persistent and do not get metabolized easily."

Veterinarians don't know how long the chemicals may remain in animals, and the Food Safety Inspection Service, part of the US Department of Agriculture, isn't looking for them in carcasses. Inspectors in slaughterhouses examine organs only if they look diseased. "It's gross appearance, not microscopic," Bamberger says of the inspections—which means that animals either tainted or sickened by those chemicals could enter the food chain undetected.

"The USDA focuses mostly on pathogens and pesticide residues," says Tony Corbo, a senior lobbyist for Food and Water Watch. "We need to do risk assessments for these fracking chemicals and study tolerance levels." The process, he adds, could take more than five years. In the meantime, fractivists are passing around a food-pyramid chart that depicts chemicals moving from plants into animals, from animals into people, and from people into... zombies.

* * *

The relatively small number of animals reported sick or dead invites the question: If oil and gas operations are so risky, why aren't there more cases? There likely are, but few scientists are looking for them. ("Who's got the money to study this?" Colborn asks rhetorically.) Rural vets won't speak up for fear of retaliation. And farmers aren't talking for myriad reasons: some receive royalty checks from the energy companies (either by choice or because the previous landowner leased their farm's mineral rights); some have signed nondisclosure agreements after receiving a financial settlement; and some are in active litigation. Some farmers fear retribution from community members with leases; others don't want to fall afoul of "food disparagement" laws or get sued by an oil company for defamation (as happened with one Texan after video of his flame-spouting garden hose was posted on the Internet. The oil company won; the homeowner is appealing).

And many would simply rather not know what's going on. "It takes a long time to build up a herd's reputation," says rancher Dennis Bauste, of Trenton Lake, North Dakota. "I'm gonna sell my calves, and I don't want them to be labeled as tainted. Besides, I wouldn't know what to test for. Until there's a big wipeout, a major problem, we're not gonna hear much about this." Ceylon Feiring, an area vet, concurs. "We're just waiting for a wreck to happen with someone's cattle," she says. "Otherwise, it's just one-offs"—a sick cow here and a dead goat there, easy for regulators, vets and even farmers to shrug off.

The National Cattlemen's Beef Association takes no position on fracking, nor has it heard from members either concerned by or in favor of the process. And yet it's ranchers and farmers—many of them industry-supporting conservatives—who are, increasingly, telling their stories to the media and risking all. These are the people who have watched helplessly as their livestock suffer and die. "It's not our breeding or nutrition destroying these animals," Schilke says, her voice rising in anger. "It's the oilfield industry."

However, some institutions that specialize in risk have started to connect the dots. Nationwide Mutual Insurance, which sells agricultural insurance, recently announced that it would not cover damages related to fracking. Rabobank, the world's largest agricultural bank, reportedly no longer sells mortgages to farmers with gas leases. And in the boldest move yet by a government official, Christopher Portier, director of the National Center for Environmental Health at the Centers for Disease Control and Prevention, called for studies that "include all the ways people can be exposed, such as through air, water, soil, plants and animals." While the EPA is in the midst of a \$1.9 million study of fracking's impact on water, no government agency has taken up Portier's challenge to study plants and animals.

* * *

The possibility of chemical contamination aside, oil and gas operations have already affected food producers. "I lost six acres of hayfields when the gas company put roads in," says Terry Greenwood, a rancher in western Pennsylvania. "Now I have to buy more feed for my cattle." (Like other farmers hurt by drilling and fracking, he still pays taxes on his unproductive land.) Others have lost the use of stock ponds or creeks to brine spills.

"We've got 12,000 wells in the Bakken, and they each take up six acres," says Mark Trechock, former director of the Dakota Resource Council. "That's 72,000 acres right there, without counting the waste facilities, access roads, stored equipment and man camps that go along with the wells." Before the drilling boom, that land might have produced durum wheat, barley, oats, canola, flax, sunflowers, pinto beans, lentils and peas. In Pennsylvania, where nearly 6,500 wells have been drilled since 2000, the Nature Conservancy estimates that thirty acres are directly or indirectly affected for every well pad.

East of the Rockies, intensive drilling and fracking have pushed levels of smog, or ground-level ozone, higher than those of Los Angeles. Ozone significantly diminishes crop yields and reduces the nutritional value of forage. Flaring of raw gas can acidify soil and send fine particulate matter into the air; long-term exposure to this material has been linked to human heart and lung diseases and disruption to the endocrine system. Earlier this year, the Environmental Protection Agency

finalized standards that require reductions in airborne emissions from gas wells, although the industry has more than two years to comply.

Besides clean air, farmers need clean water—lots of it. But some farmers now find themselves competing with energy companies for this increasingly precious resource. At water auctions in Colorado, the oil and gas industry has paid utilities up to twenty times the price that farmers typically pay. In Wyoming, ranchers have switched from raising beef to selling their water. Unwilling to risk her animals' health to creek water that's possibly tainted, Schilke spent \$4,000 last summer hauling safe water from town to her ranch. "I'd wait in line for hours," she says, "usually behind tanker trucks buying water to frack wells."

* * *

Given the absence of studies on the impacts of drilling and fracking in plants and animals, as well as inadequate inspection and scant traceability in the food chain, it's hard to know what level of risk consumers face when drinking milk or eating meat or vegetables produced in a frack zone. Unless, of course, you're Jacki Schilke, and you feel marginally healthier when you quit eating the food that you produced downwind or downstream from drill rigs. But many consumers—those intensely interested in where and how their food is grown—aren't waiting for hard data to tell them what is or isn't safe. For them, the perception of pollution is just as bad as the real thing. Ken Jaffe, who raises grass-fed cattle in upstate New York, says, "My beef sells itself. My farm is pristine. But a restaurant doesn't want to visit and see a drill pad on the horizon."

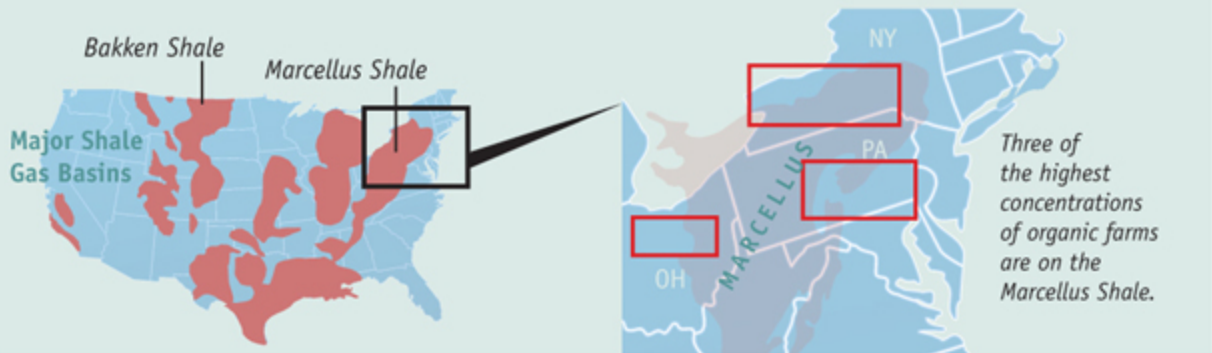
Nor do the 16,200 members of the Park Slope Food Co-op in Brooklyn, which buys one cow per week from Jaffe. "If hydrofracking is allowed in New York State, the co-op will have to stop buying from farms anywhere near the drilling because of fears of contamination," says Joe Holtz, general manager of the co-op. That's \$4 million in direct sales, with economic multipliers up and down the local food chain, affecting seed houses, creameries, equipment manufacturers and so on.

Already, wary farmers in the Marcellus are seeking land away from the shale. The outward migration is simultaneously raising prices for good farmland in the Hudson River Valley, which lies outside the shale zone, and depressing the price of land over the Marcellus. According to John Bingham, an organic farmer in upstate New York who is involved in regional planning, lower prices entice absentee investors to buy up farmland and gain favorable "farm rate" tax breaks, even as they speculate on the gas boom. "Fracking is not a healthy development for food security in regions near fracking or away from it," Bingham concludes.

Where Fracking Meets Organic Food

The Nation.

The Marcellus Shale formation holds vast supplies of natural gas. It also covers an area that is home to some of the country's highest concentrations of organic farms.



Source: Energy Information Administration 2011 and New York Times study 2007

Tracy Loeffelholz Dunn

Only recently has the Northeast's local-foods movement reached a critical mass, to the point where colleges and caterers trip over themselves in the quest for locally sourced and sustainably grown products. (New York has the fourth-highest number of organic farms in the nation.) But the movement's lofty ideals could turn out to be, in shale-gas areas, a double-edged sword. "People at the farmers' market are starting to ask exactly where this food comes from," says Stephen Cleghorn, a Pennsylvania goat farmer.

With a watchful eye on Pennsylvania's turmoil, many New York farmers have started to test their water pre-emptively, in the event that Governor Andrew Cuomo lifts the state's current moratorium on fracking. And in the commercial kitchens of a city obsessed with the provenance of its prosciutto, chefs like Heather Carlucci-Rodriguez, a founder of Chefs for the Marcellus and the executive pastry chef at Manhattan's Print Restaurant, are keeping careful tabs on their regional suppliers.

"I have a map of the Marcellus and my farmers on my office wall," Carlucci-Rodriguez says at the Brooklyn winery event. "So far, I haven't stopped buying from any-one. But I'm a believer in the precautionary principle." She nods to a colleague who's dishing up summer squash with peach slices and ricotta. "We shouldn't have to be defending our land and water," she says with a sigh. "We should be feeding people."

Why Not Frack Farmland?



Millions of gallons of fracking fluid contains **632 chemicals**:

25% are linked with cancer or mutations

37% affect hormones

40%-50% affect kidneys and nervous, immune and cardiovascular systems

75% affect sensory organs and respiratory and gastrointestinal systems



Methane gas contamination in drinking water was 17 times higher near fracking sites.

Toxic wastewater, often radioactive, is stored in open pits before being trucked away.

60% of wells leak over a 30-year period.

AQUIFER
~1,000 ft

Toxic fluids seeping through natural fractures can reach drinking-water aquifers in as little as three years.

30-70% of spent fracking fluid is not recovered and stays in the ground.

SHALE
7,000-10,000 ft



FOOD & ENVIRONMENT REPORTING NETWORK

Tuna's Last Stand

By Shannon Service on January 22, 2013

In early January, scientists released [jaw-dropping data](#) showing that bluefin tuna in the North Pacific will soon be “functionally extinct.” A favorite of Japanese sushi lovers, Pacific bluefin is now so overfished, they said, that only 4 percent of its population remains. Earlier this month, a single bluefin sold for [\\$1.7 million](#) at Tokyo's Tsukiji fish market.

Tuna, America's favorite fish, is in decline around the world, sending prices up and boats on longer voyages to chase the lucrative fish. But one corner of the Western Pacific holds the last healthy tuna stock on the planet, and a group of eight Pacific Islands is determined to keep it that way.

The eight island-nations control 5.5 million square miles of tuna grounds worth an estimated \$5 billion. These waters attract legal and illegal fishers from as far away as Taiwan. Skipjack tuna from this region ends up in cans on America's grocery store shelves.

The challenge is enforcement. One of the island-nations, Palau, has only one patrol boat to protect nearly a quarter-million square miles of ocean from illegal fishing.

Listen to the story of Palau's struggle to protect its tuna, from PRI's The World.



Encounters on the High Seas

Palau and its neighbors battle a wide range of illegal and destructive fishing practices, from “tuna laundering”—the practice of transferring caught tuna to a refrigerator vessel, which hides the origins of the catch—to purse-seining, a fishing method that is legal but scoops up all marine life including those that are in decline.

In this slide show, Palau’s marine police track and encounter miscreants in the territorial and international waters around the island.



In the international waters off Palau, three vessels raft together to move tuna from the fishing boats on the either side to the refrigerated boat, named the Heng Xing 1, in the middle.

Offloading tuna at sea means the boats can continue fishing rather than spend time and fuel going to port. However, the movement also hides the origins of the tuna, so it becomes impossible to know where it was caught and how. Ocean advocates call it "tuna laundering."

Photo by Shannon Service



Greenpeace activists approach the Heng Xing 1, a refrigerated, or "reefer" vessel, used to transport tuna from fishing boat to port. Greenpeace sometimes works with the nation of Palau to help monitor and report unregulated fishing on the high seas. Photo by Shannon Service



Tons of frozen skipjack tuna in the hold of the Heng Xing 1. Skipjack is the type of tuna typically found in cans and is not currently overfished. However, the fishing practice used to catch skipjack--called purse seining--can often scoop up tuna species in decline as well as sharks, turtles and other marine life. Photo by Shannon Service



Two Filipino vessels haul tuna using the "purse seining" method. The crew slings a giant net ringed with yellow buoys between the vessels to scoop up the fish, and then uses a smaller net to bring the tuna on board. These vessels sent divers into the water to herd tuna--especially dangerous since there are often sharks inside the net. Photo by Shannon Service



A week after encountering the tuna-launders, officer Earl Benhart of Palau's Marine Police prepares to board the Sal 19, a fishing vessel transiting through Palauan waters. The Sal 19 was one of the three boats caught unlawfully moving tuna. Photo by Shannon Service



Officer Benhart and Maria Cristina Nitafan of Greenpeace (right) interview the captain of the Sal 19. The Sal 19 painted over both its name and call signs and did not have a log book on board. However, Palau could not detain the vessel since it was on "innocent passage" through their waters. Filipino authorities are investigating the incident. Photo by Shannon Service

A Rogue Plan

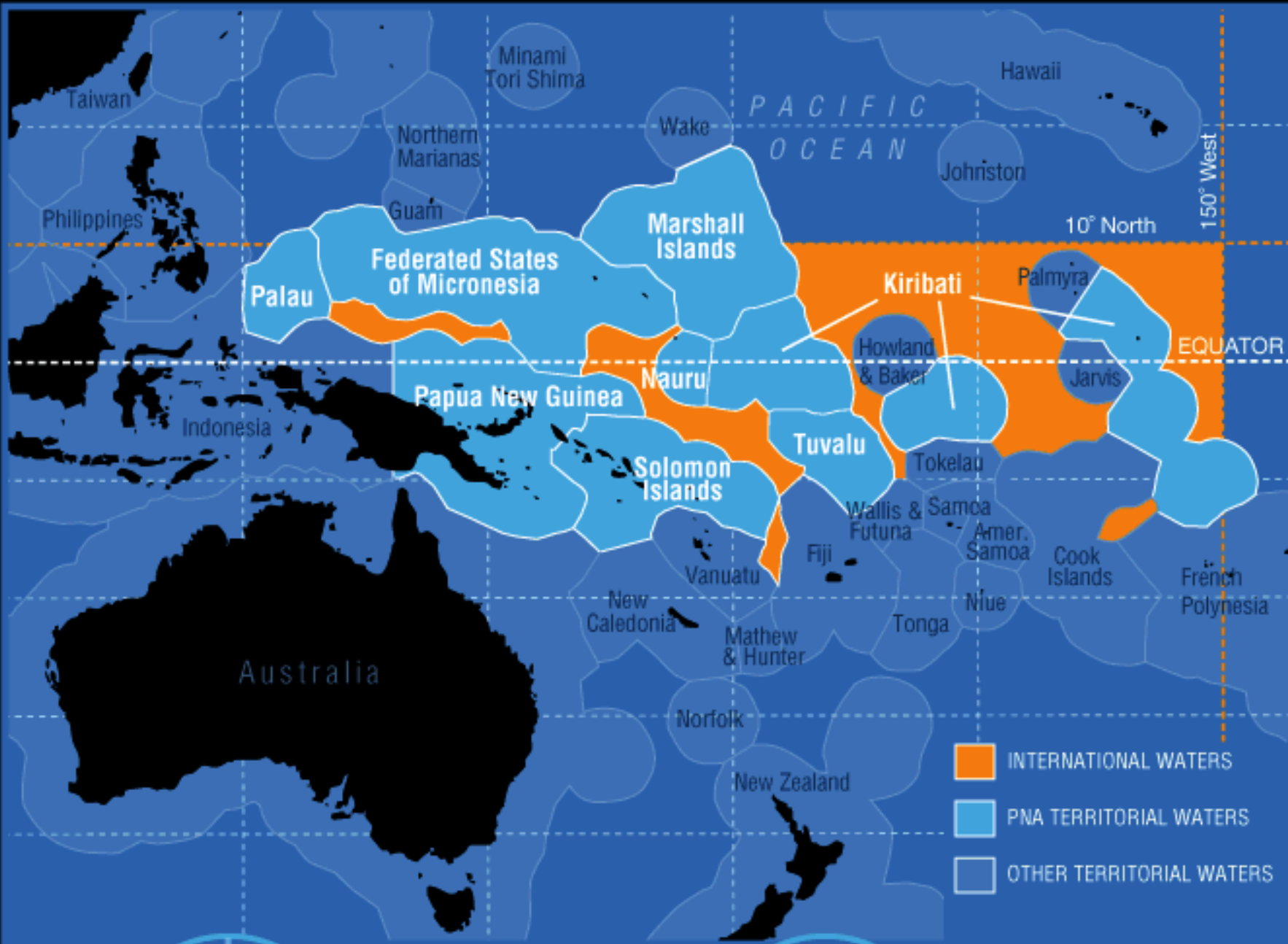
In response to the threat to their livelihood, the eight island-nations, collectively called “the PNA” for Parties to the Nauru Agreement, have developed a controversial tactic for protecting their “blue economy:” Tuna boats that seek a license to fish in the PNA’s waters must agree not to fish in the open ocean between the island nations—international waters where the PNA actually has no jurisdiction.

This illustration [below] sums up the PNA’s rogue plan.

TUNA'S LAST STAND

Eight Island-nations' Rogue Plan To Protect The World's Last Healthy Stock Of Tuna

In 2010, 2.4 million metric tonnes of tuna were caught in the Western and Central Pacific, 60% of the global tuna catch. Of that, 1.4 million metric tonnes came from the waters of eight island nations known as "the PNA," for the Parties to the Nauru Agreement.



The PNA controls more than 5.5 million square miles of tuna grounds, worth an estimated \$5 billion. These tuna-rich waters attract fishers—both legal and illegal—from as far away as Taiwan. But the PNA has only 13 boats to patrol its vast region.

Worldwide, yellowfin, albacore, and bigeye tuna are overfished, and bluefin, found mostly in the North Pacific, is on the verge of disappearing. In the PNA's waters, however, only bigeye is overfished, which is why the region is considered the world's last healthy tuna grounds.

The Rogue Plan: Industrial tuna boats that seek a license to fish in the PNA's waters must agree not to fish in the open ocean between the island-nations—international waters where the PNA actually has no jurisdiction.



TARGET FISH

2010 Tuna catch in the Western and Central Pacific



SKIPJACK 1,610,578 metric tonnes



YELLOWFIN 558,761 metric tonnes



ALBACORE 126,017 metric tonnes



BIGEYE 125,757 metric tonnes



LARGEST FISHERS

Top five countries licensed to fish PNA waters*



PHILIPPINES 46 vessels



UNITED STATES 40 vessels



TAIWAN 34 vessels



JAPAN 33 vessels



KOREA 28 vessels



*As of Jan. 8, 2013, there were 275 licensed purse seiners in PNA waters.



ENFORCEMENT

PNA nations have 13 boats to patrol their waters

PAPUA NEW GUINEA 4 vessels



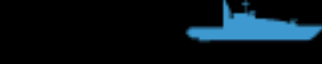
FS MICRONESIA 3 vessels



SOLOMON ISLANDS 2 vessels



PALAU 1 vessel



MARSHALL ISLANDS 1 vessel



KIRIBATI 1 vessel



TUVALU 1 vessel



NAURU 0 vessels

Herring Return to Bay Area Waters (and Plates)

By Maria Finn on February 19, 2013



The San Francisco Bay is a frenzy of rapturous seagulls, cormorants so gorged they can barely take flight, sea lions bellowing and porpoises spinning.

The herring have returned to spawn.

Humans are getting in on the action, too. A herring festival last weekend in Sausalito offered tastings of various preparations, and chefs all around the Bay Area are serving the omega-3-rich fish in a smorgasbord of dishes, with the catch expected to remain plentiful into March.

In San Francisco, Bar Tartine has offered the fish creamed on sprouted rye, and Rich Table has served it pickled over Douglas fir levain with honey and buckwheat. Waterbar makes a warm local herring salad with potato puree and citrus, and Delfina combines the fish with citrus after curing it.

Smoked and pickled

Curtis DiFede, co-owner and chef at Oenotri Restaurant in Napa, says the house smoked and pickled herring is one of the most popular items on the menu.

“We use local herring to educate ourselves and our customers about the bay. Our local herring is not as fatty as from the North Pacific. It’s more mild and lean, and really delicious.”

Paul Canales, co-owner and chef at Duende, preserves herring eggs in salt to make a bottarga and serves it over a crudo of white sea bass. Says Canales, “Herring is so versatile. You can pickle it, smoke it, cook it fresh and use the roe. There’s a short season, so it’s a celebration of the bounty happening right now.”

Local herring on menus is fairly new. The fish were popular during the Gold Rush, and consumption peaked during World War I when they were canned. New immigrants fished them for subsistence until the 1950s, but after that the fish went largely ignored.

In 1972, California herring fishing got a major boost when the Russians banned the Japanese from an important herring ground.

Japanese traditionally eat herring roe, or kazunoko, at the start of a new year because it symbolizes prosperity. The Japanese turned to the United States, setting off a “silver rush” in San Francisco and Tomales bays and leading to fishing limits in 1973. Since then, local herring has been harvested mostly for its high-priced roe, with the rest made into fertilizer and fish meal fed to pigs, chickens, pets and farmed fish.

About four years ago, however, the fishery collapsed. As The Chronicle’s Peter Fimrite reported on Jan. 24, warm water and lack of food caused a catastrophic population decline and, in 2009, forced the state to close the season.

So the return of the herring run is cause for celebration – and offers a chance to help save the fish by eating them.

Environmental scientists say that instead of feeding herring (and other “forage fish,” such as sardines and anchovies) to farmed fish in the form of fish meal, we should eat them ourselves.



Herring, caught in San Francisco Bay, are usually turned into fish meal and fed to farmed fish. But in the Bay Area, restaurants are serving up the small fish—a dining choice that scientists say could help save the species. Photo by Martin Reed.

To produce 1 pound of farmed salmon, it takes 3 pounds of wild forage fish, and 1 pound of ranched tuna can take 15 pounds of forage fish to produce. Scientists like Geoff Shester of the nonprofit group Oceana argue that eating these small fish, which have short life spans and reproduce quickly, is more environmentally friendly than eating carnivorous farmed fish or large fish that breed later in life, like swordfish and tuna.

Says Shester, “We’d be using more of the fish (not just the roe), and it would be a higher-value product, which ultimately would benefit our local herring fishermen.”

“Everything from humpback whales to crabs rely on these, so we monitor (the herring) closely,” says Thomas Greiner, environmental scientist for the California Department of Fish and Wildlife.

This year, the catch quota is 4.7 percent of the total bay population – a number, says Greiner, that is “conservative and sustainable.”

Bay Area chefs believe that if we eat what comes from the bay, it makes us more aware of its health. “When that oil tanker hit the Bay Bridge in January, herring was the first thing I thought of,” says Douglas Bernstein, chef at Fish Restaurant in Sausalito.

Bernstein lived in Denmark, a herring-loving country, where he developed a taste for the fish. “We ate it for breakfast most mornings. Here, people just aren’t used to it.”

But that’s changing, he says. At Fish’s retail market, the staff hands out samples of their pickled and smoked herring, both of which quickly sell out. “Pickling and smoking stretches out the season,” Bernstein says.

Fish Restaurant, among many others, participated in the inaugural Sausalito Herring Festival on Feb. 9. Along with herring tastings, there were filleting and smoking demonstrations, and biologists were on hand to talk about the natural history of the fish.

Steady supply is tricky

Both TwoXSea in Sausalito and Monterey Fish sell herring to stores and restaurants, but because the fish arrive in such enormous schools and for such a short season, getting a steady supply can be tricky.

Still, several Bay Area retailers are carrying fresh herring, including Monterey Fish and Tokyo Fish in Berkeley; Bi-Rite Market and Avedano’s in San Francisco; Fish in Sausalito; and Crystal Springs Fish and Poultry in San Mateo. Prices range from \$2.95 to \$5 per pound.

Bi-Rite and Fish also sell their own house-pickled herring, and Fish sells its house-smoked herring. As with any fish, it’s best to call ahead to ensure availability.

Herring is also one fish that aficionados can catch themselves. One way to learn how to do this is by taking a [Sea Forager](#) tour with Kirk Lombard.

During herring season, he has an e-mail system set up to tell groups where to meet him to see schools of herring.

“The herring are abundant and easy to catch,” he says. “It’s so life-affirming to be out there among the animals. And if you catch a fish yourself, it always tastes better.”



National Parks
Winter 2013

The Sustainable Spread

National park eateries are serving more healthy, local, sustainable fare, and you can already taste the difference.

By Kallie Markle



Julia and Drew Chen enjoy lunch at the Muir Woods Café.
© Michelle McCarron

Institutional food. It conjures visions of indeterminate mush ladled onto plastic trays, cellophane-wrapped fudge that could survive nuclear fallout, or lukewarm bottled water and a rubbery, slightly frozen corn dog. Such fare was once the norm when you visited the national parks to partake of the wonders of nature. Not so, these days: Several passionate foodies decided a day at the park needn't mean a belly full of regret and a year off your lifespan, so they've begun to make healthy, sustainable options requisite for parks concessioners. Little by little, food options in the parks are looking less like B-roll footage from an "American obesity" newsreel and more like, well, nature.

As the story goes, the legendary late superintendent of Golden Gate National Recreation Area, Brian O'Neill, was approached in 2003 by a funder who criticized the disparity between the parks' offering the best of nature but the worst of gastronomy. Most concessions at the time were "like a museum of everything bad about our food system," as Larry Bain, a leading consultant on healthy and sustainable food, put it. Health wasn't often an option, and taste hardly seemed a priority. Everything arrived frozen or packaged, shipped en masse from somewhere no farmer dare tread. O'Neill decided to make healthy, sustainable park food one cornerstone of his tenure; it was no leap of logic that an institution dedicated to preservation should endeavor toward sustainability, and really, the food should be as "green" as the scenery.

The Institute at the Golden Gate, a partner of the Park Service, embraced the momentum and published Food for the Parks, case studies of sustainable food concessions. When Park Service Director Jon Jarvis announced in his 2010 Call to Action that a healthy food program would be manifest, the idea became less theoretical and more like something the agency could sink its teeth into. The move toward healthy, sustainable concessions wasn't happening fast enough on its own, so the Park Service began to examine ways to include it in the all-powerful fine print. Food-service concessions come in many shapes and sizes. Some are larger companies that service several parks, hospitals, and stadiums, whereas others service only a single site. The Park Service has long believed that private enterprise is the best supplier of food service, so whenever a concession opportunity opens up, companies bid for the prize: typically, a 10- to 15-year contract. Companies are required to meet certain needs of park visitors, but they can also sweeten the deal by sharing more of their revenue with the park, offering extra amenities, or proposing innovative ideas in décor, waste management, or menu. A panel of park staff—advised by a neutral, industry-savvy outsider—weighs the merits of each bid and crowns the winning company.

Getting the contract requirements in place at Golden Gate took a team of legal, logistical, and culinary visionaries. “The big challenge was having words and intent that were easily discernible and measurable,” Bain, culinary visionary, explains. “What is ‘sustainable’? What’s ‘organic’? After a year [of work and legal scrutiny], we’d created a request for proposal that the Park Service felt comfortable with. The criteria were not only set forth, but there was follow-up. So: ‘If you do this, how will you do it? What will it cost? What will the bottom line look like?’” Bain even made menus that demonstrated where food could come from, how much it would cost the concessioners, what they could charge for it, and so on.

Golden Gate National Recreation Area Superintendent Frank Dean, who is spearheading the initiative as part of Director Jarvis’s Call to Action, admits there was uncertainty as to how the revised contract would work. “Would it be attractive to a businessperson?” he remembers wondering. “Would it be financially feasible? It turned out it was.” One palatable prototype? The café at Muir Woods National Monument, in Mill Valley, California.

The Muir Woods contract was one of the first to be open for bids after the healthy food program was initiated at Golden Gate. Several concessioners applied, some with considerable weight to throw behind their bid. When the bids came in, many of the larger concessioners proposed to achieve the minimum, but “this little company—which had only one other park contract—promised to not just meet the criteria but to exceed the standards of what would be organic and how it would be sourced,” says Bain. Muir Woods Trading Company (MWTC), a subsidiary of Ortega Family Enterprises, outbid the heavies, usurped the incumbent, and won the contract.

The Muir Woods Café, a grab-and-go eatery and retail shop, feeds the monument’s roughly 780,000 annual visitors and earns about \$3.1 million in annual revenue. MWTC partnered with local farms and bakers for a variety of sustainable ingredients and products, sourcing from Veritable Vegetable, Rustic Bakery, and Marin Organic. The menu eschews forgettable standards like fried chicken strips and feckless bagged salads, offering flavorful alternatives such as turkey chili, organic pastries, and a grilled cheese sandwich featured on the Food Network series, “The Best Thing I Ever Ate.” Vegan, vegetarian, and gluten-free options abound, as does

kid-friendly food that won't turn your little cherub into a sugar-fueled fiend or a grease-soaked grump. Yelp reviewers, who overwhelmingly rate the café with four or five stars, declare the fare "delightful," "surprising," "one of the best post-hike meals you can have," and of course, "delicious awesomeness." One particularly enthusiastic patron even said the food was the "main attraction" of the park.

Muir Woods Café's dining room is as appealing as the edibles. Tabletops are made from recycled beverage bottles, counter fronts are reclaimed sorghum straw, and the flooring keeps it in the family: repurposed picnic tables from Carlsbad Caverns National Park. Local farmers are profiled on café signage, and diners are directed to receptacles for "compost," "recycle," or "landfill," harmonizing the concessions experience with the park's spirit of conservation.

California, with its abundance of fresh flora and hearty fauna, isn't the only state serving healthy, sustainable food. The Yellowstone Lodges at the Wyoming park have served locally sourced foods since the early 2000s; local vendors provide almost everything from bison to huckleberries. In less fertile months, the concessioner, Xanterra, expands the definition of "local" to a 500-mile radius, which allows it to serve organic wine. "We recognize that a lot of parks aren't in urban areas, so we look at what's feasible," says Dean, Golden Gate's superintendent. "If you're in the desert or a remote area, the standards can be adjusted."

The efforts extend beyond the table; according to Food for the Parks, "Xanterra has been able to divert 73 percent of its waste from landfills [and] operates a composting facility that turned 2.2 million pounds of waste into compost in 2009." Health and environmental benefits are accompanied by ripple-effect economic advantages: the volume of food service for Yellowstone's 3.3 million annual visitors means higher profits for local vendors.

Nationwide, the numbers prove that healthy food endeavors are good for business. The re-envisioned eateries are popular, and customers happily pay for their soup or juice, even when it's more expensive than fries or soda. The cost difference was a concern from the outset, but in the spirit of the parks, the goal was always accessibility. "There is a real interest in serving food that's affordable," says Cleveland Justis, former director of the Institute at the Golden Gate. "The concessioners don't want to pass on expenses to customers and increase prices. Some things will cost more, but if you offset that cost by being more efficient in energy use or being more disposable, you can make up that expense." At Mt. Rushmore National Memorial in South Dakota, park concessioner Xanterra constructed a small greenhouse atop its gift shop, and started a small vegetable garden a mile off-site to compensate for the region's scarcity of fresh produce.

The big park concessioners aren't the only environmentally conscious menu makers, and the healthy foods initiative isn't limited to cafes and restaurants. The kitchen at NatureBridge, inside Golden Gate National Recreation Area, serves 91,000 meals a year, mostly to K-12 students attending two- to five-day field science programs. Chef Thomas Dreke and Director Aaron Rich don't lower the culinary standards simply because of the youth and captivity of their diners. On the contrary, Dreke and Rich relish the opportunity to serve healthy food to their young charges and heighten the students' instructive experience.

Food education is part of the educational experience here, including garbology: following every meal, the students weigh the waste after everything compostable is removed. They present their findings at their meetings, striving to be a zero-waste school, even competing with other schools attending this NatureBridge program. Instructors cover the whole spectrum of food, from production to disposal: “They talk about the energy it takes to get food here, about water use, where that food would go if it did go in the trash, landfills, and so on,” says Rich. There’s philosophy, science, and to drive the points home, there is salad.

“We’re not going to serve a canned vegetable that kids won’t eat anyway,” Dreke says, so the centerpiece of every dinner is an extensive salad bar, which the students consistently devour, proving that lettuce artistry may be the key to winning dinner-table standoffs.

Breakfasts boast a fruit bar and fresh eggs. A container of liquid eggs may require less cost and effort than buying and cracking 45 dozen eggs from pasture-raised hens, but Dreke believes there’s no comparison. “We spend more money on that product because it’s so superior [to the ready-made alternative],” he says. “It makes a huge difference to kids.” To offset such costs, Dreke eliminated the evening dessert and lets Pillsbury handle the cookies at lunch. “We try to make as many things as we can,” he says, “but not everything is made here; you can buy frozen cookie dough that you couldn’t make much better.” The cookies are always freshly baked, so no one seems to mind.

The overall experience is transformative for many students. “They’re seeing things done in a different way,” explains Rich. “Kids become amazing advocates for change, then they hassle their parents. Imagine that impact multiplied over 10,000 kids per year.” This sense of the aggregate pervades the Park Service’s food philosophy. Dean sees the number of meals served throughout the national parks as enough to move the needle in terms of what suppliers provide to their customers. “Costco and Walmart can drive the market because they have the clout,” he says. “[Sourcing directly from farmers] is different from having a typical food supplier bringing in a truck with processed, packaged food. The Park Service has enough clout to make a difference in those situations.”

Once the new guidelines are met throughout the park system, visitors could be looking at a substantial buffet: billions of healthy, sustainable meals served every year throughout the United States’ national, state, city, and regional parks. When the bulk of ingredients are coming from local farms, it can improve the food chain in powerful ways. As Bain points out, “parks have the potential to be tremendous customers, both for volume and predictability, because they’ve been open for generations and they know the busiest and the slowest months. Farmers need that more than anything else.”

“What I love about this,” says Justis, “is that it aligns the interests of the local community with the park and the visitors. [A given concessioner is] probably spending hundreds of thousands of dollars that are supporting the local community.” Food that looks, tastes, and even does good? It’s just as nature intended.

SFGate

Limit engineered crops' spread, panel says

Carolyn Lochhead

Wednesday, August 29, 2012

Washington -- A government advisory panel reached a rough consensus Tuesday that growers of genetically engineered crops should try to contain the spread of their genes to organic crops.

But the panel refused to set a threshold level for contamination as would be required by Proposition 37, a California ballot initiative calling for labeling of genetically engineered food.

The panel also refused to hold biotechnology companies that make genetically engineered seeds, including Monsanto, Dupont and Syngenta, responsible for contamination.

Instead, the panel will vote by Nov. 8 on a recommendation to use taxpayer-subsidized crop insurance to encourage farmers to corral the genes and compensate organic farmers whose crops are contaminated by drifting pollen, accidental mixing or other gene "leaks."

Biotech represented

Genetically engineered crops are also known as genetically modified organisms, or GMOs. They entail the insertion or deletion of genes, often from different species, into a plant to produce a desired trait, most commonly resistance to insects and herbicides.

The Advisory Committee on Biotechnology and 21st Century Agriculture, sponsored by the U.S. Department of Agriculture, included representatives of the organic and biotech industries.

Prop. 37 would permit no more than 0.5 percent contamination of foods by genetically engineered material before requiring a label. After 2019, the initiative would require zero contamination, but organically certified foods would be exempt.

The panel considered a 0.9 percent contamination threshold, roughly the level accepted in most export markets, but rejected it as too specific.

USDA's organic certification does not permit bioengineered material unless trace amounts show up despite a farmer's best efforts.

Michael Funk, chairman of UNFI, an organic distributor in Nevada City, said the panel made progress in getting the USDA and biotech farmers to "recognize that there is a problem" with contamination.

Groups outside the panel were more skeptical. Kristina Hubbard, director of advocacy for the Organic Seed Alliance, a nonprofit that opposes bio-engineered crops, called such crops a "living

technology that doesn't stay put," faulting the panel for not forcing responsibility for contamination on the seed companies.

Panel members representing biotech firms strongly opposed such efforts, arguing that organic farmers get a premium for their product and are responsible for guarding its purity.

Biotech companies "are not in control of how the technology is used," said panel member Josette Lewis, director of agricultural development at Arcadia Biosciences, a biotech developer in Davis.

Rule-breaking seen

Studies have shown widespread noncompliance by farmers who grow plants engineered to contain their own insecticides. Farmers are supposed to set aside "refuge" areas of untreated plants to prevent insects from developing pesticide resistance.

Proponents of genetic engineering favored having taxpayers subsidize the cost of the contamination through crop insurance, in which taxpayers pay on average 60 percent of the insurance premium and farmers pay the rest.

Melissa Hughes, a panel member and general counsel for Organic Valley, a farmer-owned cooperative, said crop insurance would transfer the cost of gene contamination to taxpayers and organic farmers insuring themselves against crops they don't grow.

"We'll just have to see if that holds water," Hughes said.

National Project to Improve Organic Production Systems Launched

By Eric Woolson

A recently launched national project to significantly improve carrots for organic production systems will focus on virtually every aspect of the process from seed selection and variety development to pest resistance and nutritional value, according to professionals at Organic Seed Alliance (OSA) and leading researchers.

"Our project reflects scientific solutions to practical problems. Breeding isn't the only aspect; all avenues are under consideration," explains Dr. Philipp Simon, a USDA Agricultural Research Service researcher and University of Wisconsin-Madison horticulture professor. "This project plays nicely into, first, answering research questions but, second, cashing in immediately with practical applications for growers' fields."

The four-year Carrot Improvement for Organic Agriculture (CIOA) project has the goal of addressing the critical needs of organic farmers "by developing orange- and novel-colored carrots with improved disease and nematode resistance, improved weed competitiveness and improved nutritional value and flavor."

"One of the really wonderful aspects of this study is that we're looking at improving carrots for organic agriculture for both the largest-scale producers and the smaller organic producers," explains Dr. John Navazio, OSA's senior scientist and seed extension specialist at Washington State University. "We're looking at the needs of

the whole range of carrot producers, and that's really unusual for a study of this size."

Funding tilt affects research

OSA executive director Micaela Colley notes that public research dollars have been skewed in favor of conventional farming for some time, slowing research beneficial to organic growers. "If you look at the market and the constituency, the percentage of public research dollars going to organic was not proportionate at all," she says.

Dr. Erin Silva, a University of Wisconsin-Madison organic production scientist, notes that imbalance has had an impact on organic crop research because breeds that perform well under conventional conditions don't necessarily perform well under organic settings.

Funding for the CIOA project resulted from effective Capitol Hill lobbying by the organic industry. It is part of larger budget for organic agriculture rather than specific crop breeding efforts. "But breeding has become one of the priorities because it is one of the most powerful tools the organic farmers have for managing their crops," says Simon, who notes that private industry will also collaborate in the effort.

Navazio believes the project has stand-out potential: "We normally don't have the luxury of getting funded for that long. There are fewer and fewer resources available for applied science and cultivar



Tim Waters, Washington State University, and Phil Simon, USDA-University of Wisconsin, pose for a photo during a past WSU carrot field day. Carrot Country photo

development. With the consolidation of the seed industry there's been a narrowing in focus on varieties for large scale, industrial agriculture. This (project) shows a public investment in classical plant breeding."

Colley also believes the project will have lasting benefits by preparing a generation of new professionals "with practical breeding skills and experience in the needs of the organic industry instead of just gene jockeys."

Helping slow starters

Because carrots start so slowly in organic conditions, Navazio notes, they are a "notoriously tough crop to keep ahead of weeds" and can end up buried during weeding. The study will devote energy to more vigorous seedlings that get going faster and produce more robust tops that will better squeeze out weeds. He expects to build upon his work with Nash Huber, owner of Nash's Organic Produce in Sequim, Wash.

Huber grows 35 to 50 acres of organic carrots annually. Over the 20-year period, he has screened a number of varieties in pursuit of fast-growing cultivars for his fall-winter crop that can outmuscle chickweed.

Through Huber's work and Navazio's investigations, they identified several hybrid and open-pollinated varieties that seemed to combine the best traits of a fast start with a robust top. Navazio, who studied under Simon, has collaborated in the past with his former professor. Their conversation about genetic improvements that would broaden the repertoire of carrots for organic production was a spark for the project.

ventional and organic settings, almost side by side," Simon indicates. "There will not be large amounts of any one variety, but that's adequate to get the information we're seeking. As we go along and find promising varieties, we will increase that and trial promising lines on working organic farms."

Adds Navazio: "It's really like eight trials when you consider we're working with four locations and growing conventional and organic together."

Lori Hoagland, a Purdue University assistant professor of specialty crop production systems, will study both sides of the variety-soil relationship to unlock new growing opportunities. "There's a

difference between varieties and how they interact with the microbial agents in the soil to take in nutrients and fight off pathogens," she explains. "By identifying management practices that improve soil biological health and selecting varieties that form beneficial microbial associations, we will be able to improve crop performance in organic production systems."

The final trial crop will be harvested

in early 2016. "There's a lot of preparatory work to do yet but we intend to have materials in the pipeline and available as the project is coming toward completion," Simon indicates.

Silva, who specializes in cover cropping systems for organic agriculture, breeding and trialing vegetable varieties for organic systems and adapting organic systems for urban production, noted the critical needs facing organic carrot growers aren't news.

"I'd say the challenges have probably been heightened in the past 10 to 20 years with the merger of seed companies, which has caused a narrowing of available varieties. The loss of varieties is a real concern for organic growers; I've been hearing about that since I first entered the field in the mid-1990s," Silva notes.

Silva says the different needs of small organic growers will be addressed throughout the project. "Organic farms in the upper Midwest tend to be smaller and more diversified. They range from one to 60 acres, grow as many as 20 or 30 crops and tend to sell in multiple markets -- wholesale, restaurants, farmers markets and retail. They tend to have unique production problems, and that's been my thrust here at the University of Wisconsin."

Colley, who is chair of the biennial national Organic Seed Growers Conference, (<http://www.seedalliance.org/organic-seed-growers-conference/>) points out that farmer participation and feedback will be critical to the project's success.

A good-tasting carrot


"One of the things I'm excited about is the side-by-side trials with conventional and organic ground to better understand why some varieties perform better under organic conditions. We know some do but that hasn't been quantified. With (Purdue University researcher) Lori Hoagland looking at the microbials, we'll have more information to determine how soil quality influences how varieties rank."

"Carrots are the largest single source of Vitamin A in the U.S. diet -- up to 20 percent for the average citizen. We'll be looking to increase the beta carotene content," says Simon. He notes high market demand for those varieties and acknowledges a strong need to improve germplasm specifically for organic conditions.

The researchers will also strive to increase the phytonutrients in yellow, red and purple varieties. "Those are compounds that when we eat them they reduce the odds of different cancers and heart disease. We're tracking them and quantifying that information and we'll be able to make it available to consumers," Simon indicates.

Colley adds: "Organic has a reputation for superior flavor, and we'll be looking for that, too."

Navazio concurs, "We have to have a good-tasting carrot because if it isn't, people aren't going to eat it."

Additional information and updates about the project are available at www.eorganic.info/carrotimprovement. 



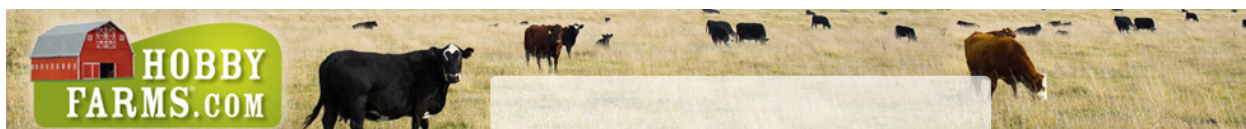
Colored carrots. Photo courtesy of Organic Seed Alliance

"Phil and I got to talking and we thought, 'Wouldn't it be great to quantify this and truly characterize our anecdotal observations in a study? Let's see if it's true,'" recalls Navazio, who had considerable industry experience before joining academia. "I routinely visit organic farmers who are still doing three hand-weedings. With Nash's system we can get that down to one -- and that's a remarkable thing."

"Really like eight trials"

Simon notes four separate field trial sites -- in California, Washington, Indiana and Wisconsin -- will compare the performances of 36 experimental varieties in organic and conventional settings.

"We are growing three replicates of one meter each of those 36 varieties in con-



California Gets Organic Seed Boost

The Organic Seed Alliance is working to increase organic seed prevalence and use in the largest U.S. agricultural state.

By Cory Hershberger, Hobby Farms Assistant Editor

January 25, 2013

As the U.S. state with the largest agricultural economy, California is also the largest producer of vegetable seed and the state with the most USDA-certified [organic farms](#); however, most of the seed being used and produced in this agricultural mecca is non-organic, or conventional, which presents a problem for the state's thousands of organic farmers.

The Port Townsend, Wash.-based nonprofit [Organic Seed Alliance](#) is out to close the gap, working to develop [organic seeds](#) in California and increase their prevalence with support from the Columbia Foundation, the Gaia Fund, the California Wheat Commission, USDA Rural Development, and the USDA Organic Research and Education Initiative.



Courtesy Comstock/Thinkstock

The Organic Seed Alliance is working to secure organic seed varieties for California, the largest vegetable-seed producing state in the U.S.

“At OSA, we focus on fostering healthy seed systems,” says Jared Zystro, California research and education specialist for OSA. “Currently, because of challenges like restrictive intellectual-property arrangements, seed-industry concentrations, [GMO contamination](#), and the loss of important genetic diversity, our seed systems are in danger. OSA is working from the ground up to help advance healthy seed systems through our research, education and advocacy.”

To be classified as organic, the seeds must be grown and harvested following the USDA's [National Organic Program](#) standards. The NOP requires that organic seeds be grown without any genetically engineered traits in soil that is only treated with certified-organic inputs, such as [fertilizers](#) and pest controls, and packaged in a certified-organic facility that keeps undesired chemicals from touching the seeds.

The NOP requires its certified farmers to use organic seed, though it does allow for the use of conventional seed if specific requirements are met. Because conventional seed production uses chemicals that are not NOP-approved, growing organically from non-organic seed is not entirely in line with the organization's strict standards.

California is the second region that OSA has targeted, following a successful effort in the Pacific Northwest.

“Regional variety development and variety testing allow growers to have access to varieties that are more likely to do well on their farms with their climates,” Zystro says. “Varieties bred and tested in other parts of the nation may not be as likely to do well locally.”

Although the OSA is currently focusing on developing California’s organic seeds regionally, national development is also a priority.

“Some problems, especially in the legal and policy arenas, need to be the focus of national efforts. Also, as the alternative seed movement is growing, we need to be able to share ideas, techniques and resources across the country,” Zystro says.

In a 2012 survey, OSA discovered that, on average, only 38 percent of the seed being used by California certified-organic producers was organic. Zystro points to two major reasons behind this low statistic.

First, a lack of organic seed for a specific variety forces many organic farmers to use conventional seed.

“Many wholesale producers have specific contracts with their purchasers. These contracts may [specify] that the grower can only grow a specific variety. If that variety is only available in conventional seed, then the producer will have to grow conventional seed,” Zystro says.

The higher cost of organic seed also remains an issue.

“Although, the [NOP organic standards] do not allow cost to be used as a factor for not choosing organic seed, many farmers, when asked, confidentially ... reported that cost was an issue that deterred them from choosing organic seed,” Zystro points out. “Ultimately, organic farmers and the organic food industry need to see the benefits and the value that organic seed brings to the system.”

OSA’s sights are set above the seeds themselves, though they are the center of the overall plan.

“Besides the seed itself, these systems include plant breeders, seed producers, seed companies, farmers and eaters,” Zystro says. Because these seed systems involve so many individuals and organizations, OSA’s approach to organic seed systems is multifaceted to help accommodate all the various participants in a seed system. The organization chooses specific crops as seed-system models, and they’ve worked with farmers in California on crops such as beets, eggplant, Swiss chard, zucchini, and three of the state’s highest-grossing crops grown by seed—lettuce, broccoli and carrots.

In 2012, the organization conducted variety trials with two farms in California to help determine which specific vegetable varieties performed well in regional conditions in order to give farmers

additional information about desired varieties to grow. Eddie Tanner of DeepSeeded Community Farm, a 9-acre fruit and vegetable farm in Arcata, Calif., was one of the farmers OSA tapped.

“We were seeking out and comparing varieties to see which were best adapted to our climatic and soil conditions,” Tanner says.

Tanner was responsible for planting and tending to various varieties of three crops—broccoli, Japanese cucumbers and green beans—in addition to helping Zystro evaluate each variety’s performance at harvest.

“We were looking for Japanese cucumbers that stayed straight and productive over a long harvest window in our cool-summer area, broccoli that produced well in a dense planting and had longer field holding, and green beans that tasted good, resisted mold and had fewer curly pods at the second harvest.”

These trials concluded that Summer Dance cucumbers, Pike and Lewis green beans, and Green Magic, Belstar, Arcadia and Imperial broccoli varieties were the best choices for foggy northern California.

The organization also hosts on-farm seed-production field days that train farmers in organic seed production and use, one of which was hosted by Justin Huhn and Quin Shakra of Mano Farm, a 1.3-acre, certified organic farm in Ojai, Calif., last fall. Because the pair also owns an organic seed company, All Good Things Organic Seeds, they grow almost exclusively from organic seeds.

“We generally don’t have a problem sourcing organic seed for any mainstream vegetable crop,” Shakra says. “The only time we don’t ... is if we want to grow hybrids or if there’s something incredibly rare that’s even hard to find in commercial form.”

In addition to the variety trials and production field days, OSA works to develop new, organically bred varieties of vegetables with farmers in their target region. Organic breeding differs from conventional breeding in that it forbids the use of genetic engineering and modern biotechnology, instead choosing to harness traditional techniques, such as controlled pollination and family selection. Last year, the organization worked on breeding vigorous, tender and disease-resistant sweet corn and carrot varieties suitable for growth in California. OSA also works to train farmers and extension personnel to be seed experts for their specific region and to create a space for a developing seed enterprise, though they do not sell seeds themselves.

Despite this multitude of focused steps, OSA always keeps the big picture in mind: to make farmers more aware of their seed choices and equip them with the knowledge and tools for ethical seed stewardship.

“We see healthy systems when everyone has access to the seed they need to fulfill their role in the system,” Zystro says.

The New York Times

Sunday Review | The Opinion Pages

Look Carefully at Those Seeds

By MARGARET ROACH

March 2, 2013



Alexis Anne Mackenzie

WHAT could be a greener, more feel-good purchase than seeds? Aren't the tiny plant embryos, huddled in the suspended animation of dormancy inside a simple paper packet, true innocence incarnate?

I had held to that conviction for more than 25 growing seasons, dreamily lost, like other gardeners, in the annual onslaught of catalogs stacked on our kitchen tables in February and

March. But those seeds may be far from innocent. It turns out that growing vegetables for their seed often involves more chemical use than growing those same crops for food.

I am not speaking of genetically engineered hybrids, the patentable plants created in laboratories by manipulating an organism's genes. They get much press and concern, and it is a concern I share. But those seeds are not for sale in the home-garden catalogs; they're a different story. I'm not even speaking of what I perceive as a false construct over hybrid-or-heirloom, as if it were an either-or debate and one could not ethically elect to grow both (as I do). Gregor Mendel made hybrids; nature has done it herself, though neither spliced anything in the process.

No, it was this other, less-spoken matter that hit me hard where I garden. In my own vegetable beds I use no chemical heroics, and yet I had been using some conventionally produced seed that is often coddled and adapted to a life of "high inputs" that it won't get from me or from an increasing number of other chemical-averse home gardeners.

That packet of seed may not grow as well in my garden as one that wasn't grown with chemicals, and it also probably contributed to upstream pollution.

I was dismayed when I first read all this a few years ago in an article by John Navazio in the Organic Seed Resource Guide. I knew him as a prominent breeder of carrots, beets and chard, and contacted him immediately, sounding like a disbelieving child wanting an adult to say it wasn't so.

But I'm afraid it is, said Dr. Navazio, a veteran of conventional plant breeding who is a senior scientist for the [Organic Seed Alliance](#) and a specialist for organic seed at the Washington State University Extension. Vegetables cultivated for eating — broccoli, baby mesclun or even a whole head of lettuce — are typically picked before they complete their reproductive cycle; young and tender, not old and seedy. But to harvest seed, not food, from a vegetable plant, it must be in the ground much longer, and therefore withstand more disease and pest pressure. That many vegetable staples are biennials, which don't set seed until Year 2, further stretches the timeline.

Certain pests and pathogens don't even show up until a plant's sexual maturity, meaning seed farmers have their own bonus set of possible invaders to grapple with. In recognition, regulatory agencies may permit greater applications of petroleum-based synthetic pesticides, fertilizers and fungicides for farmers who have planted specifically to produce seeds for later planting, rather than crops for immediate consumption. Many generations of seed have been bred in, and become adapted to, these circumstances.

Readers frequently ask me, when I recommend a seed company that is new to them, whether it sells seeds grown through genetic modification. They are articulating fears I share about transgenic hybrids and their impact on the diversity and safety of the global seed supply. But I'm not sure that's the primary thing we need to have our eye on to be smart, successful home gardeners today.

As a way of staying “safe,” some bloggers concerned about genetic modification offer lists of “bad” and “good” seed companies and cite potentially tainted varieties, but that doesn’t help me much. The information is usually outdated, and most of all, the lists of “good” companies promise only that they aren’t owned by and don’t buy from Monsanto. They fail to differentiate among the styles of land stewardship practiced where the seed they’re selling was farmed. All seed is not created equal. We must dig deeper.

Lately, I’ve needed a new ethical code to guide my seed shopping. I want seed that was raised in conditions like my own — in a low-input system — and if possible, in a geographically similar environment. That way, I’m contributing less to the pollution caused by conventional seed growing, and I am likely to have better growing success.

“Organic gardeners are using a dull tool when they use seeds from conventional agriculture,” said Tom Stearns, the founder of High Mowing Organic Seeds, based in Vermont. (Full disclosure: High Mowing is one of several seed companies that advertise on a gardening Web site I run.)

I buy from people who are proud to tell me where the seed they sell was raised, and how, “who have an intimate relationship with the seed farmers they buy from, or grow it themselves,” as Dr. Navazio put it. Not everything I order is certified organic; often there isn’t sufficient supply, and many farms that practice sustainably aren’t formally certified. But I want to see signs that the actual seed farmer was “my kind of people” before hitting the button on my order.

In our locavore-centric society, we increasingly ask where every bite of food came from. Since our food (or what our food was fed) comes from seeds, isn’t it time to ask where those all-important embryos, innocent or otherwise, come from, too?

Margaret Roach is the [author](#) of “The Backyard Parables: Lessons on Gardening, and Life.”



“If you want to change the face of culture and of the planet, the food system is the way that humans have the most impact.”

Michael Dimock

President, Roots of Change

Michael Dimock’s goal is simple: to create a sustainable food system in the state of California by the year 2030 that can be used as a model for the rest of the country, if not the world. Ambitious, definitely. But Dimock’s track record for changing the unchangeable is hard to argue with. Long before words like “sustainable” and “locavore” became headline favorites, Dimock was using his grassroots approach and business acumen to convince community members to set aside differences and join forces around the common objective of preserving the future of local agriculture. Part diplomat, part activist, he seems to understand what so few others in the new food revolution do: lasting transformation only happens from the inside out. And the stakes couldn’t be higher—with America’s skyrocketing obesity rates and rapidly diminishing natural resources, our lives literally depend on the radical reformation of how we eat . . . perhaps our lives literally depend on Michael Dimock.

Right before I took my job at Roots of Change (ROC), I asked myself, “Am I a reformer? Is that what I am?” Because if you look at the lives of reformers, they’re often painful and short. But I’ve realized this is what I was meant to do, and it’s deeply satisfying.

I grew up in San Jose, California, in a house surrounded by walnut and cherry orchards. In the background was the sound of tractors knocking down the trees as they developed Santa Clara County. I remember lying in my bed, hearing that squeaky tread and the engine, and then the tree falling. I often think that memory is part of why I do this work.

After a graduate program at Columbia in Soviet studies, I went to work for an international agribusiness company that supplied ingredients to the big food manufacturers like McDonald’s—they bought 25 million dollars’ worth of tomato paste from us every year. I was based in Europe and I lived in Holland and Spain, traveling all over. I also saw regional, sustainable agricultural systems, both in development and long existing. That was the beginning of my true food consciousness. I was getting a taste of all models of agriculture.

When the First Gulf War happened, a huge recession hit and the company got in big trouble. So, I came back to California and I spent a year

in Sonoma County thinking about what I was going to do next. I realized one day, as I was looking over this beautiful area, that I wanted to live here, first and foremost. And second, I wanted to continue working in food and agriculture.

There’s a saying, “Once you decide, all things line up.” I was sitting in a coffee shop one day reading an article about agriculture when a woman sitting at the table next to me leaned over and said, “Are you interested in agriculture?” She was on the board of Select Sonoma County, which was the first nonprofit in the United States focused on promoting a county-based identity for its farming products. Soon after, I was hired as the first director of marketing because of her and that chance meeting. I then took the county-based model to other areas of Northern California. The impact of industrial agriculture was really starting to hit, and the regional food producers were going downhill fast. I was getting a lot of work advising communities on how to save the local agricultural economies. Eventually, I started my own consulting firm in 1992, to promote food and farming sustainability in California, which later became known as Ag Innovations Network.

That’s when I became really interested in community consensus

Michael Dimock at the Ferry Plaza Farmers Market in San Francisco, CA.

This interview and this photograph appears in a book: **Everyday Heroes: 50 Americans Changing the World, One Nonprofit at a Time**, by Katrina Fried, with photographs by Paul Mobley, and published by Welcome Books. It is reproduced here as part of a Roots of Change media package by permission of the publisher. Text © 2012 Katrina Fried. Photographs © 2012 Paul Mobley. Foreword © 2012 Arianna Huffington. For a full list of the heroes and more information about this historic project, please visit www.welcomebooks.com/everydayheroes

building around regional identities for food systems. Community Alliance with Family Farmers (CAFF) invited me to join its board and I got into statewide policy work. In 1996, a friend introduced me to Slow Food, which was really the first consumer-based component of the food movement. I'd been working with government agencies and industry-oriented nonprofits up to that point, but there were very few organizations out there connecting producers and consumers, and I knew that was going to be a critically important component in protecting local food systems. I founded a Slow Food chapter in Sonoma, and that eventually led to my being asked to become chairman of Slow Food U.S.A., which I did for many years. Part of my work as chairman entailed traveling all over the United States, meeting farmers and producers who were doing cutting-edge things, and that was really a privilege and an education.

It was all an evolution. I saw the linkage between the environment, communities, and food systems. I saw the food system as an engine for change because it is really the base of all systems. If you want to change the face of culture and of the planet, the food system is the way that humans have the most impact. It is at the root of transformation. I think another reason that I'm drawn to agriculture is that I see it as an extension of the feminist movement. A lot of the leaders of this movement are really powerful women. I do feel that there is a need for the rebalancing of the masculine and feminine forces in the world. The food system is a place where that's really happening.

In 2000, my company Ag Innovations helped form this entity made up of community leaders in Ventura county—environmentalists, labor activists, farmers, and government officials—that came together around the common cause of saving the area's agricultural future, which was at risk because of development and changes in environmental regulations, etc. These groups had been at war for years on the front pages and in the ballot box until we pulled them together into this consensus-building body. We launched and within three years, we changed a state law, key local ordinances, and how people thought about agriculture and food. We transformed the community.

By this time—2002—ROC had already been formed, and they had started providing grants in 2004. One of the people I was working with in

Ventura suggested I apply to take the Ventura model statewide through ROC funding. So I did, and with their support I developed locally based consensus-building policy bodies around the state. After two years, ROC started to really develop, and they needed a full-time executive. I got the job in the summer of 2006. There are now twenty-five food policy groups statewide. Almost half of them have been funded by ROC or are supported by Ag Innovations, which I turned over to a wonderful colleague when I moved to ROC.

“Right before I took my job at Roots of Change, I asked myself, ‘Am I a reformer? Is that what I am?’ Because if you look at the lives of reformers, they’re often painful and short.”

We are now in the next phase of Roots of Change. We completed our first five-year plan, which created a context for major change. In the next three years, ROC is going to support California's first statewide Food Policy Council, and we're going to pull all of these regional groups together into one body, to share what they've learned in their own communities and to collaborate regionally. The most important thing is that together, they're going to become a voice to the governor and the legislature about what's needed to unleash the entrepreneurship required to create regional, sustainable food systems in California.

We have met huge benchmarks. When groups like Slow Food and Roots of Change started really pressing, farmers got nervous and realized that they had to be responsive. Sixteen to twenty of the largest cropping systems in California are now developing sustainability standards. And the most important crop system to change grew out of the statewide roundtable, the California Roundtable on Agriculture and the Environment (CRAE). That group developed this idea called the Stewardship Index for Specialty Crops, which is a way for growers of vegetables, fruits, and

nuts, to measure how they're impacting the environment, so that they can then create more sustainable systems. That model is now being tested all over the United States. And that's going to fundamentally change farming systems, because farmers are going to get real-time feedback about their impact on the environment and energy. That was the first benchmark.

The second benchmark is that the idea of proper nutrition and access to healthy food has completely taken off, in large measure because of the national health crisis and the nonprofit health world really taking on the issue of obesity. Now that we folks in sustainable agriculture have joined it, it's going to become unstoppable.

One of the things that I feel great about is that ROC is one of the reasons that the State of California developed a strategic plan for sustainability by the year 2030 for food systems, run by the California Department of Food and Ag. And that's exactly what ROC's mission is—the creation of a sustainable, mainstream food system in California by 2030. We took our DNA and got it planted in the state.

New Mexico, Michigan, and Vermont are all moving toward getting their states to sanction their strategic plans as well. It's happening. Because we're a little bit further ahead of everyone, people are interested in what we've learned. We're providing a model of what's possible, and it's almost our responsibility to educate and share what we've discovered.

One of the most important things we're planning over the next two years is a communications campaign focused on eliminating the undermining message that industrial food systems are the only way to feed a planet of 9 billion. We will shed light on the fact that the industrial food system, as it's currently designed, simply cannot sustain itself because of 1) its dependence on oil and 2) its negative impact on our environment and our health. Its demise is inevitable because civilization simply will not survive without an alternative.

The economics are the hardest part of this campaign. I have some really incredible folks on my board and in our network, true capitalists and economic thinkers, who understand that the problem is that the marketplace does not price food properly. Every consumer is paying the full price of food, but they're paying it in different places. They're paying it through their taxes and through their medical costs. So, the question is,

how do you actually price food properly, and therefore, save people money in other areas? And then also, how do you scale sustainable food systems to bring down prices? Because one of the reasons they're so expensive is there's less scale. So there are two things that have to happen. The first thing is that unsustainable food has to be priced higher in order to clarify its true cost; and second, currently expensive sustainable food has to drop in price, based on greater availability and production. And then if people still can't afford food, we're going to have to find ways to ensure they get fed, because we're going to pay for it later if we don't.

Our core model for change is to change how people think because the way we think leads to the way we act. If we don't think systemically about food, we won't make the changes we need. Two big revolutions need to be underway. One is the way we think about systems and their linkage to everything else, and the other is how we economically structure food systems.

“California is considered the epicenter of the sustainable food movement, so one of the fundamental principles behind ROC is that if we can change it here, we will impact the whole world.”

This will be my life's work. We've got to change it in my lifetime, or we're in deep, deep trouble as a nation and a world. The United States is the leader in most areas of agricultural innovation. We have a huge infrastructure of universities and research dollars committed, and we have a great number of farmers who are very pioneering and entrepreneurial. We also have the strictest environmental regulations in the world. People look to the United States as the leader, and within the country, California is considered the epicenter of the sustainable food movement. So one of the fundamental principles behind ROC is that if we can change it here, we will impact the whole world.

Los Angeles Times

The case for Prop. 37

The initiative is rooted in a simple premise: Consumers have the right to know if their food is produced using genetic engineering.

By Daniel Imhoff and Michael R. Dimock, October 11, 2012



A product labeled with Non Genetically Modified Organism (GMO) is sold at the Lassens Natural Foods & Vitamins store in Los Feliz. International food and chemical conglomerates are spending millions to defeat California's Proposition 37, which would require labeling on all food made with altered genetic material. It also would prohibit labeling or advertising such food as "natural." (Damian Dovarganes / Associated Press / October 5, 2012)

In America we hold a consumer's power of choice at the checkout line nearly as sacred as that of a voter at the ballot box. In November, California voters will be asked to protect the right of food buyers to make informed purchases.

Passing Proposition 37 could change the future of food in this country. The initiative is rooted in a simple premise: Consumers have the right to know if their food is produced using genetic engineering, which manipulates DNA or transfers it from one organism to another.

Any plant or animal food product with genes that have been engineered would be so labeled.

This isn't a radical new idea. It's been standard practice in all member countries of the [European Union](#) for years. The latest published research shows that 61 countries have some form of mandatory labeling for foods containing genetically modified crop ingredients.

The companies that sell genetically modified seeds and manufactured foods argue that American consumers don't need such detailed labels. They say, "Just trust us."

That is a lot to ask. Product labels are the front line of consumer protection. Research and development on genetically engineered products (also known as genetically modified organisms, or GMOs) are largely done by private sector, not public sector, scientists because companies very aggressively protect their patents. According to the Center for Food Safety, as of January 2010, Monsanto had filed 136 lawsuits against farmers for alleged violations of its technology agreement or its patents on genetically engineered seeds. These cases have involved 400 farmers and 53 small-farm businesses. The level of secrecy and the combative nature of the industry fuel public distrust.

Unfortunately, consumers cannot look to the federal government to increase their trust. The [Food and Drug Administration](#) does not require labeling of GMO products. Many people fear that some government officials in positions that make policy on genetically engineered products may hold biases born of their previous jobs with GMO seed companies.

Distrust is amplified by questions over who really benefits from GMO foods. One beneficiary is the herbicide industry. Corn and soybeans are implanted with herbicide-resistant genes so that when fields are sprayed, the weeds die and modified crops survive. Yet credible studies show unintended consequences. Some crop yields have leveled off and farmers now face "super weeds" that require escalating the use of toxic herbicides. Many of the same corporations that own GMO crop patents are also in the herbicide business.

Another concern is the skyrocketing price of seed for farmers. According to the [USDA's](#) Economic Research Service, between 1995 and 2011, the average per-acre cost of soy and corn seed rose 325% and 259%, respectively. These are the same years in which GMO soy and corn went from less than 20% of the total annual crop to more than 80% for corn and 90% for soy.

Finally, GMO products on the market offer American consumers no clear benefits. Not one introduced genetic trait makes a food product healthier, tastier or longer lasting. With the exception of one research plot kept far from the center of production, rice farmers in California have refused to support introduction of GMO rice because buyers in Japan have banned its import.

Some critics no doubt see GMO labeling as another "nanny state" law and argue that revising labels will add costs. But Proposition 37 simply requires basic transparency and truthful packaging, and companies would have 18 months to implement it. And it would protect consumers' right to know in a product category central to health. As we saw in the multibillion-dollar tobacco case settlement in 1998, companies cannot always be trusted to put health before profit. Corporate executives face the need to maximize shareholder wealth. That need often trumps other concerns.

In light of such history, and with the vitriolic battles among scientists still debating the risks of this relatively new technology, labeling GMO foods allows shoppers to make informed choices about the level of risk they are willing to assume.

Proposition 37 supporters are now waging a David versus Goliath battle. Supporters have raised just over \$4 million thus far, much of it from small natural food companies like Organic Valley, Lundberg Family Farms, Nature's Path Foods and Amy's Kitchen. Opponents of the initiative have raised \$34.5 million, nearly half from Monsanto, DuPont, Dow Agrosiences and Bayer CropScience, corporations that own most of the GMO seed patents.

Voters may not realize the broader significance of this battle. With a \$2-trillion economy and 38 million residents — nearly 12% of the U.S. population — the California market is impossible to isolate. In 2008, for example, many out-of-state agribusinesses financed opposition to the state's Proposition 2, which banned cruel livestock confinement techniques such as tiny pens for laying hens and crates that trap breeding sows for life. Nearly two-thirds of the state's voters supported more humane standards, and that law has created a ripple effect across the nation.

On Nov. 6, California has the chance to reassert a basic consumer right that has been lost in grocery store aisles: the right to know exactly what you're buying. After all, if there are no health or environmental disadvantages to genetically modified foods, what do their proponents have to fear in labeling?

Daniel Imhoff is the author of "Food Fight: The Citizen's Guide to the Next Food and Farm Bill." Michael R. Dimock is president of Roots of Change and chairman emeritus of Slow Food USA.

Farmville, for real

City spaces like Hayes Valley Farm, Kezar Gardens, and the Free Farm are disappearing. Is there a future for urban agriculture in San Francisco?

08.21.12 | Yael Chanoff



The Hayes Valley Farm is an oasis in the city
PHOTO BY ZOEY KROLL

In the next few months, San Francisco will lose some of its most beloved urban farms.

The City Hall victory garden is now reduced to dirt. The grants that kept afloat Quesada Gardens Initiative, which creates community gardens in Bayview, were temporary and are now drying up. Kezar Gardens, funded by the Haight Asbury Neighborhood Council recycling center, is facing eviction by the city.

Time is up for Hayes Valley Farm, on the old freeway ramp, where developers are now ready to build condos.

St. Paulus Lutheran Church has also announced that it wants to sell the land that the Free Farm uses at Eddy and Gough.

"There's the old joke about developers," said Antonio Roman-Alcalá, co-founder of Alemany Farm and the San Francisco Urban Agriculture Alliance. "God must be a developer, because they always seem to get their way."

At the same time, new urban agriculture projects have sprung up across San Francisco. Legislation authored by Sup. David Chiu will create a city Urban Agriculture Program, with the goal of coordinating efforts throughout the city.

So is the movement to grow food in the city progressing? It's a tricky question that gets down to one of the oldest conflicts in San Francisco: The best use of scarce, expensive land.

THE VALUE OF FARMING

The San Francisco Planning and Urban Research Association lauds the value of community gardens. An April 2012 SPUR report notes that urban agriculture connects people "to the broader food system, offers open space and recreation, provides hands-on education, presents new and untested business opportunities, and builds community."

According to the report, the city had "nearly 100 gardens and farms on both public and private land (not including school gardens)," two dozen of which started in the past four years.

But that's nowhere near enough for the demand. "The last time waiting lists were surveyed, there were over 550 people waiting," Eli Zigas, Food Systems and Urban Agriculture Program Manager at SPUR, told us. "That likely underrepresents demand because some people who are interested haven't put their name down."

Changes in zoning last year, and the recent ordinance to create the Urban Agriculture Program, show a measure of city support for urban farming and gardening.

"We have one of the most permissive zoning codes for urban agriculture that I know of in the country," said Zigas.

One zoning change from 2011 makes it explicit that community gardens and farms less than one acre in size are welcome anywhere in the city, and that projects on larger plots of land are allowed in certain non-residential districts.

More recent legislation is meant to streamline the process of starting to grow food in the city. Applying to use empty public land for a garden can be an arduous process, and every public agency has a different approach. The hoops to jump through for land owned by the Police Department, for example, are entirely different than what the Public Utilities Commission requires. A new Urban Agriculture Program would coordinate efforts.

"The idea is to create a new program that will serve as the main point of entry. Whether it will be managed by existing agency or nonprofit is to be determined," said Zigas.

If the timeline laid out in the ordinance is followed, the plan will be implemented by Jan.1, 2014.

By then, if all goes according to plan, no San Franciscan looking to garden will wait more than a year for access to a community garden plot.

NO NEW LAND

Roman-Alcalá said that efforts to clear the way for urban agriculture are much less controversial than for affordable housing and other tenets of anti-gentrification. But for all the good the latest legislation does, it doesn't secure a single square foot of land for urban agriculture.

"If you look at the language, there's nowhere in it that mandates or prioritizes urban agriculture on any site," said Roman-Alcalá. "The closest thing is a call for an audit of city owned rooftops. That's the closest it comes to changing land use."

And it won't be easy. "No matter how much support there is for urban agriculture, in the end, developers and their ability to make money is going to be prioritized," he said. "The only way to really challenge that right now is cultural. Social change is not an event but a process."

Janelle Fitzpatrick, a member of the Hayes Valley Farm Resource Council and a neighborhood resident who has been volunteering at the farm since it started, is committed to that process.

"Hayes Valley Farm proves that when the city, developers, and communities come together, urban agriculture projects can be successful," Fitzpatrick said. She and dozens of other volunteers created the farm, which is now lush with food crops, flowers, and trees. The farm has a bee colony, a seed library, and a green house. It offers yoga and urban permaculture classes.

Hayes Valley Farm started on land that used to be ramps to the Central Freeway before that section was damaged in the Loma Prieta earthquake. The land under the freeway was toxic, but volunteers spent six months layering mulch and cardboard and planting fava beans to create soil. It took less than a year to create a productive farm on a lot that had been vacant and overgrown for nearly two decades.

"We're producing food, we're producing community, we're producing education," said Zoey Kroll, another volunteer and resource council member.

When they vacate their land in the winter, many Hayes Valley Farm team members will already be knee deep in new urban agriculture projects. These include Bloom Justice, a flower farm in the Lower Haight that Kroll says will teach job skills like forestry and landscaping. The farm has also built a relationship with Hunters Point Family, working together to offer organic gardening and produce at Double Rock Community Garden at the Alice Griffith Housing Development and Adam Rogers Community Garden.

As for the loss of the current site, Kroll says, "It's an exercise in detachment." Change in landscapes and ownership is part of urban life, she said — "We're a city of renters."

We're also a city of very limited land. "Securing permanent public land for urban agriculture would be challenging," said Kevin Bayuk, an instructor at the Urban Permaculture Institute. "And securing long-term tenure on anything significant, an acre or more of land in San Francisco, if it were on private land, would be cost prohibitive."

Of the city's three largest farms, only Alemany Farm seems secure in its future. The farm is on Recreation and Parks Department land, and has been working with the department since 2005 to create a somewhat autonomous governance structure.

Community gardens on Rec-Park land are subject to a 60-page rulebook, and according to Roman-Alcalá, Alemany Farm's operations were restricted by the rules.

Last week, the group's plan to be reclassified as a farm instead of a garden was approved, eliminating some of the rules and creating an advisory council of community stakeholders that will exert decision making power over the farm, although Rec-Park still has ultimate authority.

"Now it's more secure," said Roman-Alcalá. "We've finally reached this point where the city acknowledges it as a food production site."

"I think the urban agriculture movement is still growing and burgeoning in the grassroots sense," said Bayuk. "And I think some of the grassroots growth is reflected in the policy and code changes. "I'm optimistic for the idea of people putting land into productive use to meet human needs and be a benefit of all life."

'Bitter Seeds' probes suicides in India

By G. Allen Johnson

Wednesday, October 3, 2012



Krishna, a farmer in rural India in Micha X. Peled's "Bitter Seeds." Photo: SFIFF

The release of "Bitter Seeds" completes an intriguing trilogy about globalization, some dozen years in the making.

San Francisco filmmaker Micha X. Peled got started in the late 1990s with an expose of Walmart's effect on local American communities in "Store Wars: When Walmart Comes to Town," which was released in 2001. He then tackled cheap Chinese labor, following a teenage factory worker through her long hours, in "China Blue" (2007).

Now Peled has capped the trilogy by examining the rash of suicides among farmers in India, and how it's tied to the international conglomerate Monsanto, in "Bitter Seeds," which opens Friday.

"Thematically, they're very nicely connected," Peled said over lunch in San Francisco. "The first was about us - the American consumers. The second was about how the cheap goods that we buy

get made, and the third is about the raw materials - the farmers who grow the cotton that gets exported to China's factories to make the jeans that we buy."

Peled found that in India, a farmer reportedly kills himself every 30 minutes because of a vicious circle, in which Monsanto has taken over the seed market with a genetically modified seed with hybrid technology that produces high yields but cannot renew itself. Thus farmers have to buy new seed for the next planting season, but can't afford it, so they borrow from loan sharks. Confronted with mounting debt and family shame, many kill themselves.

Peled found a young woman, Manjusha, who dreams of being a journalist and whose father was a farmer who committed suicide. Peled gave her a camera and encouraged her to find her own story; he also follows her on her inquisitive journey.

They meet Krishna, a farmer whom Peled follows through an entire season. They help Peled flesh out a dimensional portrait of a rural farming family and the dynamics of their village.

"Keep in mind that these farmers have been growing cotton for centuries, and were always able to eke out a living," Peled said. "That was with conventional seeds, which are suited to the region and don't need much water, because there isn't any."

Peled believes globalization can be a force for good, but that there should be a balanced approach that respects local communities. (Incidentally, he supports California's Proposition 37, which mandates labeling of genetically modified foods.)

"I'm just a dumb filmmaker," Peled smiles. "I don't have all the answers. But I wanted American viewers to spend a little time living with the experience of what it's like for other people in other parts of the world to deal with what globalization brought them mostly as a result of what our multinational conglomerates are able to do."

"Hey, we like the cheap prices of shirts, and like the fact that the price of cotton is low. We're benefiting from it, but what does that mean for the millions of other people?"

Brilliant Documentary *Bitter Seeds* Illuminates Plight of the Indian Farmer

By Leslie Hassler, November 29, 2012

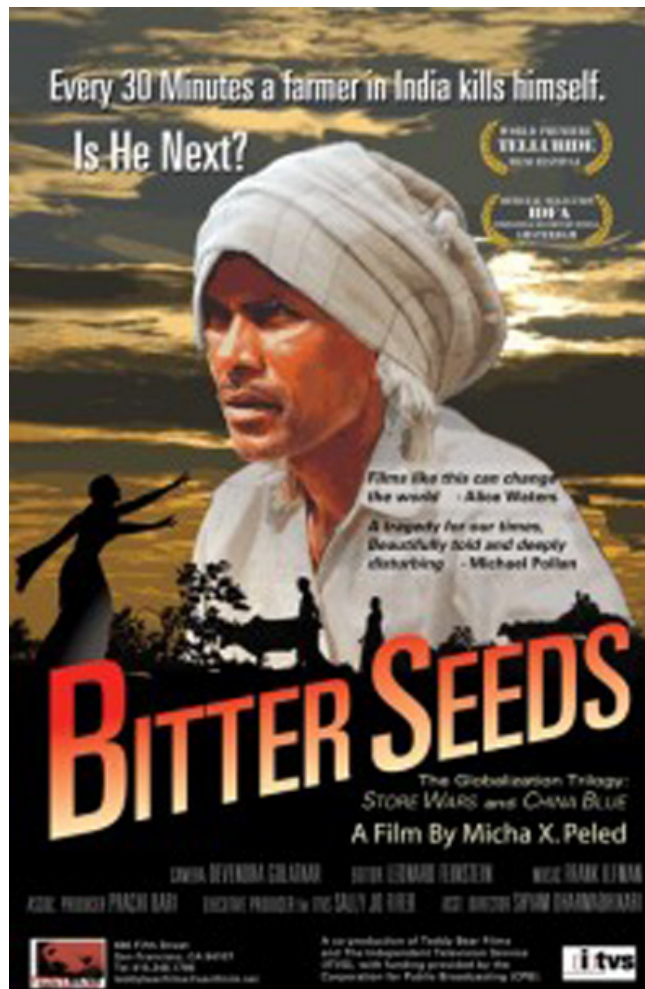


Still from Bitter Seeds- Ram Krishna on his land.

Bitter Seeds is a character-driven documentary which shows us the bleak situation for cotton farmers in India. [More than 250,000 farmers](#) have killed themselves since 1995.

Director Micha X. Peled interviews all players, from condescending seed salesmen and callous Monsanto execs, to activist Vandana Shiva, to farmers, their families and village elders who remember when life as an Indian cotton farmer was not so bitter.

The common thread linking all of these farmers is that they have been pressured to buy genetically modified seeds. (The seeds are from Monsanto, the American company whose seeds dominate industrial farms in the U.S.) These Indian salesmen, Monsanto employees, sell seeds for their own profit, regardless of the effect they have on the farmer and his livelihood.



Traditionally, Indian farmers have used seeds from the previous year's crop and fertilizer made from cow dung and compost. The GMO seeds, called Bt seeds, are designed only for a single year's use so farmers are forced to buy new seeds every year. This is something they may not have been told upfront. As a result, about [90 percent](#) of India's cotton farmers have become like slaves to Monsanto. The salesmen are relentless. They hand out leaflets to the illiterate farmers with photos and testimonials from other Indian "farmers." These testimonials are later discovered to be false.

Director Micha X. Peled trains his camera on Monsanto salesmen using loudspeakers proclaiming the latest variety of genetically modified cottonseeds: "Do you have land?" one of the seed-pushers shouts to a village woman. "Tell your husband to plant Bt seeds." Against their own better judgment, the farmers inevitably succumb to the salesman's pressure.

Peled focuses on one Indian farmer, 40-year-old Ram Krishna Kopulwar. When we first meet Krishna, he is a hardworking cotton farmer with a failed crop and rising debt in Telumg Takli, a small village in Vidarbha, India. The fact that his two daughters are nearing the age for marriage adds more pressure. Unmarried daughters are a cause of social shame in Telumg Takli, and he needs money for his eldest daughter's dowry. We follow Krishna as he plants the Bt seeds and watch as he tragically loses his crop.

It is incredibly painful to watch as Krishna's crops slowly dwindle from lack of water and an infestation of mealy worms. Most of these farmers are completely rain-dependent and the GMO seeds require more water, pesticides and expensive fertilizers. Day after day we watch as Krishna weakens and tries everything to save his crops. Eventually he is completely broke, broken and desperate.

His only way out is to borrow money from a corrupt money-lender who charges outrageous interest and heaps abuse on him. Eventually, with no way to pay the money back, Krishna and other farmers end up losing their land (which is all they have) to the money-lender. This is the final blow. Many of these farmers do not know how to survive in India's changing economy. With nowhere to turn, more than 250,000 of these men have killed themselves, usually in an ironic, gruesome twist of fate -- by drinking the poisonous cocktail: Monsanto pesticide.

Peled weaves an equally riveting and poignant second story into this film. It centers on an 18-year-old college girl, Manjusha Amberwar, who has lost her father to suicide because of his farming debts.

Amberwar wants to become a journalist and suspects that the cause of so many suicides starts with the Bt seeds. She sets out to investigate this against the wishes of her family. It is the strong, unwavering voice of Manjusha that makes this film so incredibly memorable.

She asks one of the village elders about alternatives: "In my time there were no suicides," he tells her. "Even the poor could survive by working hard. There are no other seeds available now. Traditional seeds have disappeared. We farmers are illiterates. We follow false advertising like a dog follows bread."

Bitter Seeds and films like *Food, Inc.* show us how little we all know about genetically modified seeds (GMOs). But the farmers have an advocate in quantum physicist and activist Vandana Shiva, India's leading opponent of genetic modification and the patenting of seeds.

She says:

"This has huge implications because it will unfold into the future. These seeds are shaping history, and already in them are carried the germs of another historical trajectory. If you really want to see whether change is being made, look at what is beginning in the small places: look at how organic farming is now increasing on a large scale."

Mutations and natural selection have always been a positive and necessary part of our evolution and survival as a species, but we do not seem to have a choice when our government is not demanding labeling of foods that are genetically modified. France and other European countries have banned most genetically altered seeds.

Bitter Seeds has won 18 international awards. It is a film that will never leave you. There will be a screening of the film, along with a panel of local farmers and chefs at The Carey Center for Global Good in upstate New York on December 1st. Included in the panel are George Weld, owner of two wildly popular restaurants in Williamsburg, Brooklyn (Egg and Parish Hall), Carol Clement of Heather Ridge Farm in Preston Hollow, NY, and Director Peled who will be there via Skype.

"The mission of the event is to discuss the future of GMOs and other important issues affecting all of us," says Carol Ash, president of The Carey Center for Global Good. "We all care deeply about the struggles of cotton farmers in India, but also, what does he have in common with farmers in our region of New York State?"

There are social, environmental, health and economic questions being asked and answered in films like *Bitter Seeds*. We need to find solutions, as a community, as a nation and as a planet.

StarTribune

Those bugs 'are going to outsmart us'

By JOSEPHINE MARCOTTY
November 24, 2012



Danny Serfling tilled a field on his farm in Preston, Minn., in late October. He lost part of this field and a whole other one to rootworm. The solution? "We will have to use more insecticide," he said.
Renee Jones Schneider, Star Tribune



These are chewed-away roots of some of Danny Serfling's corn. He lost acres to rootworm this year.
Renee Jones Schneider, Star Tribune

PRESTON, MINN. - Danny Serfling knew he was in trouble in July. Tiny white worms in the soil had eaten away the anchoring roots on half of his corn, and in one big storm last summer, the stalks toppled like sticks.

"All the corn around here went flat -- from Spring Valley to Mabel," said Serfling, who farms a few hundred acres here in southeastern Minnesota. He waved a tattooed arm toward

stubbled hills that rolled away to the gray October sky, resigned to the next step. "We will have to use more insecticide," he said.

It is what scientists and environmentalists regard as one of nature's great ironies: Fifteen years ago, genetically engineered seeds promised to reduce the amount of poisons used on the land, but today they are forcing farmers to use more -- and sometimes more toxic -- chemicals to protect their crops.

Why? Because pests have done what nature always does -- adapt. Just as some bacteria have become resistant to antibiotic drugs, a growing number of superweeds and superbugs in the nation's farm fields are proving invulnerable to the tons of pesticides that go hand in hand with genetically modified seeds.

The rising tide of pesticides is alarming many scientists and environmentalists about their effect on what's left of the North American prairie ecosystem, which survives in and around the vast "green deserts" of row crops that now stretch across the Upper Midwest.

"There are now 80 million acres of treated corn," said Eric Mader, an ecologist with the Xerces Society for Invertebrate Conservation. "That's a huge volume of pesticides applied for one crop."

What's next, they say, is even worse. To combat the growing wave of resistant weeds and bugs, biotech companies like Monsanto and Dow Chemical Company are poised to launch a whole new arsenal of genetically modified seeds that will accelerate the chemical warfare. Some are designed for use with older, more toxic herbicides that scientists say pose an even greater risk to the environment and human health.

The biotech companies say they will educate farmers and extension agents on how to minimize the health and environmental risks, and that the multiple genetic weapons contained in the new seeds will make it impossible for pests to develop resistance.

"We believe this can be managed," said Rick Cole, a weed management technical lead for Monsanto.

Still, a rising chorus of protest from environmental and agricultural scientists says it won't work. Nature, they say, will simply adapt again.

"It makes about as much sense as pouring gas on a fire to put it out," said Charles Benbrook, a researcher at Washington State University. "It is going to lead to the exact same problem and a substantial increase in much less benign herbicides."

Genetic revolution

Fifteen years ago, genetically modified seeds revolutionized farming.

Monsanto introduced the first, a variety of soybean that was immune to the herbicide Roundup. Suddenly, life got a lot easier for farmers. They could spray their fields once or twice with Roundup -- prized because it kills virtually all plants but is largely benign to animals and people -- and then plant their crops. And they no longer had to till the land to get rid of pesky weeds, greatly reducing the potential for soil erosion.

Roundup-ready cotton, corn, canola, alfalfa and sugar beets followed in quick succession, making Roundup one of the most widely used herbicides in the world. "Farmers were very quick to adopt it," said Cole.

A few years later, Monsanto introduced the next genetic advance -- corn that contained its own insecticide, a protein called Bt that is poisonous to insects. Bt corn also was viewed as an environmental boon, because it was highly targeted -- it killed only the insects, like rootworm and corn borer, that ate the corn. That meant far less aerial spraying and dousing soils with poisons that killed everything from worms to birds.

And it worked. The U.S. Department of Agriculture reported that per-acre use of pesticides on corn, soybeans and cotton declined by several million pounds per year, and soil tillage declined, as well.

The new technology paid off for Minnesota and other Midwestern states. In 2011, Minnesota farmers produced \$10 billion worth of corn and soybeans, according to the USDA. On top of that, the ethanol industry added nearly another billion dollars to Minnesota's economy.

But the genetic breakthroughs brought sweeping changes across the landscape. Today, a third of Minnesota is planted with just two genetically modified species -- corn and soybeans -- and in some other states, it's far more.

Meanwhile, acreage devoted to such non-genetically modified crops as wheat, sunflowers and barley has plummeted by 50 to 90 percent.

In short, Midwestern agriculture quickly evolved into a vast, efficient system that is much easier to farm but is "biologically simple," said Doug Gurian-Sherman, a senior scientist with the Union of Concerned Scientists, and a specialist on biotech agriculture.

"But the problem is," he added, "it's a perfect storm for resistance."

Massive scale

Adaptation is as old as evolution itself. First, the few weeds or bugs that just happen to be immune to the pesticide survive. Then, in a biologically simple environment devoid of competition or threats, they flourish. Farmers encountered pesticide resistance many times before Roundup and genetically modified crops came along.

But the revolution in agriculture has become a victim of its own success.

In recent years, scientists have identified an estimated 23 weeds around the world that no longer die when doused with Roundup. Many are the most prolific and two, giant ragweed and water hemp, are a bane to Minnesota farmers. In some parts of the south, cotton farmers have been forced to go back to hand-hoeing fields to get rid of superweeds. And the combination of Roundup and "GM" seeds now dominates American agriculture.

"The scale of it is really dramatically different," said Gurian-Sherman.

More recently, infestations of rootworm, known as the \$1 billion insect because of its cost to farmers, have exploded. University of Minnesota researchers say some farmers in virtually every

county south of the Minnesota River have reported problems with the pest, especially where corn has been planted in the same field year after year.

"I lost \$25,000 in yield," said Charles Sandager, a farmer from Hills in the southwest corner of the state. "They are going to outsmart us, them bugs."

Ty Vaughn, Monsanto's corn products management lead, said that other factors, like weather and the size of the infestation, may explain why the bugs are overwhelming the plants' genetic defenses. Resistance across a species only can be established by proving that adults are passing immunity onto their offspring, and that takes time.

But Ken Ostlie, a corn entomologist at the University of Minnesota, said he doesn't need more evidence to prove that southern Minnesota is seeing a dramatic shift in biology.

"We are already seeing the progeny of what's survived," he said. More frequent use of a greater variety of pesticides "will flourish," he said, because farmers now have few options.

"I don't like seeing all this crap going on the land," said Sandager, the farmer. "But I am forced to do it to survive."

Up next

The next generation of genetically modified seeds, designed to combat the new resistant pests, will work for a while, skeptics concede. But eventually, they say, nature will evolve again.

"My jaded, cynical perception is that it indicates a learning disability on the part of everyone," said Bruce Potter, an assistant professor of entomology at the U.

One biotech seed, made by Dow, will make crops immune to the herbicide 2,4-D. The chemical is far more toxic to plants than Roundup, and many environmental groups fear it will cause increased risks for cancer, hormone disruption and other health risks for people. The EPA, however, says that there is insufficient evidence to classify it as a carcinogen, and that if used according to regulations, it is safe.

Monsanto is close behind with other seeds that will be immune to dicamba, an herbicide in the same family as 2,4-D. Both are more prone to drifting far beyond their intended fields, but the companies say they will require farmers to use newer, less volatile formulations.

"We believe that farmers really want to do the right thing," said Cole of Monsanto.

Many scientists say the evolution in farming and the widespread Roundup use already has contributed to the demise of the prairie and many of its species, including milkweed, bees and butterflies. The prospect of widespread use of even more toxic herbicides is alarming, they said.

"We're going back 20 years, and that scares me," said Mace Vaughan, a pollinator conservation specialist with the Xerces Society.

There is another solution, say Potter and Ostlie, but one that can work against the economic interests of farmers and pesticide companies: Plant something else for a while. Alternating corn and soybeans, and mixing in other crops from season to season, can improve the soil and defeat the bugs and weeds, say agronomists.

It's a lesson in leveraging biological diversity that Serfling, the Preston farmer, saw with his own eyes. This summer he had to hire a helicopter to spray insecticide on his bug-infested corn. But across the driveway, another field stood tall in the wind. The difference: The previous year, he'd planted alfalfa.

"Rotate. That's how you get rid of it," he said. "Rotate, rotate, rotate."

When the People Lead, Leaders Will Follow

By Craig K. Comstock
10/17/2012

In *The Power of Impossible Ideas*, her book about helping to end the Cold War and to build a better Russia, Sharon Tennison tells one of the great hidden stories of our age. She naturally focuses on her own organization, now called the [Center for Citizen Initiatives](#), though a complete account of citizen diplomacy would include other pioneering groups such as the [Esalen Soviet-American Exchange Program](#).

What led these ordinary people in the early 1980s to invent and engage in [citizen diplomacy](#)?

The USSR collapsed in 1991, about the time of the birth of the recent college graduates now learning jobs or looking for them. The four decades before that included regional wars, space exploration, and an economic boom, but the consequential events of that period also included something that nearly happened, more than once, but didn't, and something that seemed impossibly naïve but wasn't; and the two were closely related.

What nearly happened but didn't quite was a nuclear exchange in the northern hemisphere, missiles soaring over the Arctic sea ice that is now melting. In the fall of 1962, for example, the Cuban missile crisis unfolded over the famous 13 days and is remembered as a moment of American triumph. As the Secretary of State said, "We're eyeball to eyeball and I think the other fellow just blinked." But as his colleague, the Secretary of Defense, said in a documentary film, holding his thumb and index finger barely apart, "we came this close" to nuclear war. That film, [The Fog of War](#), was released 40 years after the events, long after Robert McNamara had found out about [a nuclear secret](#) that nobody in the U.S. knew at the time.

What's the status of something that didn't happen? Less than a year later, on September 26, 1983, alarms sounded in the Soviet control center for satellite detection of a nuclear missile launch, warning of a possible American first strike. The officer in charge, [Stanislav Petrov](#), couldn't believe something so terrible was happening and so he disobeyed orders to notify superiors immediately and paused for five long minutes until radar stations could have observed incoming missiles but didn't. What seemed like an attack was later reinterpreted as sunlight glinting off the cloud cover over Montana. Petrov disobeyed orders and his only consolation, apart from preventing a mistaken war, was a UN medal quietly awarded.

This situation persisted for the next 20 years. We don't know how many close calls happened (in *The Fog of War* McNamara reported "three" during his tenure), but others are probably hidden behind the veil of "national security." A single close call was too many, when the penalty was what became known as "nuclear winter," a period when crops wouldn't grow. But how to undo

the situation, managed by elites on both sides, each citing quite persuasively the danger of the other?

One contribution to extracting us from this dynamic was an American initiative called "citizen diplomacy," a good example of which was Sharon Tennison, the author of *The Power of Impossible Ideas*. Like most of us, she was an ordinary person, in her case a Texas girl who grew up to become a nurse in San Francisco. When a physician at her hospital invited her to join Physicians for Social Responsibility and give local talks about the Cold War, she realized she didn't know much about the nuclear stand-off or about the enemy.

It was in a friend's kitchen that she heard a voice in her head saying one simple sentence, a message that changed her life: "it's time to go see the enemy." The Soviets gave her a visa and said it would be OK to meet ordinary people, so long as she was accompanied by an Intourist guide. Some friends joined her.

The attitude of our national security elite, including the FBI, was doubtful, not to say hostile. Who were these innocent women and men who might just get in the way of proper diplomacy, be seduced by the Soviets, perhaps cause some sort of incident? Nobody thought that the Cold War would ever end. But Tennison and some friends went to Moscow and talked with strangers, ordinary people on the street, in parks, in the elegant subway, in humble apartments.

To jump ahead, Tennison worked on relations between her country and the USSR and then Russia for about a quarter century. She organized many programs, starting with the first Alcoholics Anonymous meeting in Russia and a large exchange program bringing over 400 ordinary Soviets to the U.S. and arranging for them to "meet Middle America."

When Russians were finally allowed to start small businesses, but didn't know how, Tennison's organization brought many to the U.S. where they could observe the sort of business they wanted to start and then helped them to network with and support each other back home.

She stayed on the job through the terrible 1990s when the Russian economy fell apart. She then worked with a large State Department grant to train entrepreneurs and with Rotary International to foster a civic culture of volunteer service in a society marked by pervasive lack of trust. She supported a campaign against the corruption that in the 1990s took the form of "mafias" that ran protection rackets, to be followed in the 2000s by bureaucrats who impeded businesses by demanding bribes.

Meanwhile, Tennison kept Congress in touch with her activities, both by arranging meetings in Russia and in Washington. As she reminds us, it was President Eisenhower who said, "when the people lead, the leaders will follow."

Her book is one of the big untold stories of the late Twentieth Century, and citizen diplomacy in its many forms has implications for some of our present troubles. As she writes, "the world desperately needs citizen diplomacy to the Middle East and [other trouble spots](#) around the globe."

The situation in the USSR was especially suited to citizen diplomacy. After years of propaganda on both sides, simple reality was almost revolutionary. The USSR was physically safe, and friendly Americans had a certain access to the mass media. All you had to say, as I had occasion to say on all-Soviet TV, was (1) some Americans were neither Cold Warriors nor what Lenin called "useful idiots" (followers of the Party line), (2) we wished a better life for people there, (3) what had the Cold War accomplished in four decades other than to endanger the world?

If Gorbachev had not undertaken to change the faltering Soviet system, employing the centralized power of the General Secretary, the Cold War would not have ended as it did, Eastern Europe was not have been liberated, and we would not have become rivals and trading partners rather than enemies. But if Gorbachev had not seen some new thinking in the West, would he have dared to normalize external relations? As it was, on the government level he met enormous and understandable suspicion. Was the Kremlin really changing or was it all a trick, a "peace offensive" to throw us off our guard?

As Tennison tells in her book, I played a small part in arranging some early support for her activities, and together, at a brunch, we discussed the elements of what became "Soviets, Meet Middle America." I saw my job at the Ark Foundation as giving impossible challenges such that, as talented, passionate, persistent people worked to meet them, they might do something wonderful. I knew that bringing Soviet unofficial people to tour American cities was unprecedented, so we doubled down by specifying that they stay in private homes and meet school kids, attend backyard barbecues, talk on the radio, visit small businesses, be introduced by local officials, go to city council meetings, stop by religious services if they liked.

After years of being told that Americans were greedy, exploited, racist demons, the Soviets went home reporting that their hearts were touched by warm receptions. In short, rather than discussing arms control, the visitors entered the ordinary life of the other side.

Tennison calls her book *The Power of Impossible Ideas*. Another book with the word "impossible" in the title is Vaclav Havel's memoir of going from prison to the presidency in Prague. Yet another author is Paul Rogat Loeb, who wrote *The Impossible Takes a Little While*, a line from Bessy Smith. All of these writers were illustrating what it means to be a citizen, not just a "consumer." All faced tasks that looked daunting. When I had brunch with Tennison in 1987, I told her the Ark Foundation was looking for leaders who didn't assume that things that seemed impossible necessarily were, and who didn't wait for a grant to get started. She met both criteria.

My boss Don Carlson, who funded Ark, didn't know whether it would be possible to end the Cold War, but he judged that if it couldn't be ended, nothing else would matter. For that reason, we focused on that single goal for five years, ending in 1989 with the breaching of the Berlin Wall.

Tennison, to her credit, didn't stop. As the USSR collapsed, she kept going through the terrible 1990s, when most of the Western media perceived a flowering of democracy, and Russians saw "oligarchs" grabbing control of big industries, mafias running rampant, and people going hungry.

In *The Power of Impossible Ideas* a word that keeps coming up is "trust," as in "lack of trust." One consequence of living under Stalin was that the level of trust was very low: who could not betray you? People kept their private lives hidden. One of the shocking parts of Tennison's book is her talk with Putin's economic adviser, who laughed at her innocent question about whom the President, in the adjoining Kremlin office, could trust. Almost nobody, was the answer.

To Tennison's annoyance and alarm, much Western reporting took the side of the oligarchs whom Putin was arresting. Maybe they did steal huge enterprises in the 1990s, but in the West they were familiar kinds of figures, like captains of industry; and at least they weren't commissars. Plus which Putin, though perhaps honest, had come up through the KGB. He was acting like a czar, at least as compared with his predecessor Yeltsin who, when not drunk, won approval in the West by praising the "free market."

Tennison's persona as an ordinary person wears thin by the time senior U.S. Senators praise her, when she meets in the Kremlin in the office next to the president's, or when Russia's best-known TV personality shows up for her court appearance in St. Petersburg (a pipe in her apartment burst and caused damage downstairs). Nonetheless she won attention and respect as a citizen without official status, with the help of hundreds of volunteers.

She is modest about her abilities as a *litterateur*, and the latter part of her book is organized more like a fascinating diary than like a set of stories with a clear "arc," but taken as a whole, *The Power of Impossible Ideas* is engaging, suspenseful, inspiring. She and her colleagues were happy warriors for peace. Her book recounts the kind of adventure story that actually happened.

At the close of the book Tennison summarizes the huge differences between the learning, relating, and negotiating styles of the two peoples, based on their very different histories. If the first lesson of citizen diplomacy was, "we're remarkably similar," the later understanding among those who stuck with it was, "we're quite different but can learn from one another, get along, and even enjoy it."



Sharon Tennison, an ordinary American mom, was haunted from childhood by inequities in her limited world. Born in 1936, racial discrimination plagued her even in elementary school—which led her later to search for ways to “make a difference” in the world.

With four children by age 28, Sharon turned to libraries to explore topics vitally important to her. Joining a group of Dallasites working to create a saner world, she met Vivian Castleberry, a newspaper manager, who introduced her to mid-career professionals who became models for “who she wanted to be when she grew up.”

By 1964, Sharon quietly organized the integration of the first Dallas County public school. She learned the “power of one.” Under the influence of Mother Theresa in 1972, she entered nurses training to provide a career for herself after her children were on their own. In 1975, she went to work in Dallas’ huge Parkland Hospital; she soon realized the inefficiency of medical wear and began designing uniforms with multiple flat pockets. This developed into Dove Professional Apparel, which today sells efficient garments nationwide. Her new careers brought rewards, but increasingly the U.S. and the U.S.S.R. appeared to be careening toward nuclear confrontation. Alarmed by this, Sharon organized a group of mainstream American citizens who traveled to the U.S.S.R. in 1983 with the impossible mission to open doors between the peoples of the two Superpowers.

Sharon has been the CEO of the Center for Citizen Initiatives (CCI) since its inception. She designed CCI’s programs by keeping her antennae on the peoples of both countries—and by sensing the cracks in the concrete during the breakup of the Soviet Union and the re-formation of the new Russia. Sharon has homes in San Francisco, California, and St. Petersburg, Russia, where she still keeps her ear to the ground on all issues pertinent to relations between the two countries.



The **POWER** *of* **IMPOSSIBLE IDEAS** Sharon Tennison

The **POWER** *of* **IMPOSSIBLE IDEAS**

Ordinary Citizens’ Extraordinary Efforts
to Avert International Crisis



Secretary Colin Powell congratulating Russian entrepreneur after hearing his story (see page 141)

Sharon Tennison
ODENWALD PRESS

This fascinating piece of American history is packed with daring ideas that seemed utterly impossible in 1983—yet they succeeded beyond anyone’s imaginations over the ensuing next three decades. The United States and the Soviet Union were on a suicidal impasse in the early 80s with 50,000 nuclear weapons pointed at one another. Governments were threatening and counter-threatening. The first impossible scheme began with 24 Americans going behind the Iron Curtain to try to open up communications between the enemy peoples. It grew into a travel program that took thousands of Americans into the Soviet Union as grassroots “Citizen Diplomats.” In 1988/89, they brought groups of non-communist Soviet citizens to 264 cities across America. U.S. foundation executives traveled with them to find ideas to link the two enemy countries. Soon AA delegations were on Moscow and Leningrad sidewalks sharing life-saving alternatives with alcoholics. Other programs mushroomed into action throughout the 1980s—all implemented by ordinary American and Soviet citizens without any government assistance. When the U.S.S.R. imploded, the group became the Center for Citizen Initiatives (CCI) and began enlisting American civic clubs in their bi-country mission. These pro bono volunteers trained some 7,000 Russians in business management in 45 American states—thus stimulating Russia’s young entrepreneurs to jumpstart new businesses and develop private sectors in cities throughout Russia. Putin took power in 2000. Follow this tumultuous decade’s year-by-year challenges, and glean new points of view on the emerging Russia of today. Ponder with the author how America and Russia could create a viable future through cooperation—not confrontation.

A personal note to all readers: Take seriously the power of your own intuitions and brainstorm. This book proves once again that when people act boldly on their impossible ideas, miracles begin to happen.



Manifesto for a Post-Growth Economy

What single change stands to give Americans more free time, healthier ecosystems, and more meaningful jobs?

By James Gustave Speth
September 19, 2012



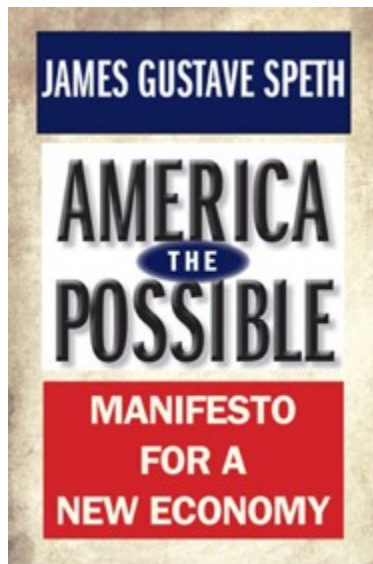
Slowing down GDP growth can mean more time to do things we love. (Photo by Brett Davies)

Editor's introduction: *Gus Speth has been a co-founder of the Natural Resources Defense Council, an advisor to presidents Jimmy Carter and Bill Clinton, the head of the United Nations' largest international assistance program, and Dean at Yale University's School of Forestry and Environmental Studies.*

"Right at the time I should be settling into a rosy retirement," Speth says, "I find I am instead quite alarmed about the appalling future we're on track to leave our grandchildren." His new book, [America the Possible: Manifesto for a New Economy](#), is about how transformative change can come to America, what life would be like in the attractive future that is still within our power to build, and what we need to do to realize it.

In this excerpt adapted from America the Possible, Speth takes on the tricky issue of post-growth prosperity. For more specific details about the policies under discussion here, check out the book.

We tend to see growth as an unalloyed good, but an expanding body of evidence is now telling us to think again. Economic growth may be the world's secular religion, but for most it is a god that is failing—underperforming for most of the world's people, and creating more problems than it solves for those in affluent societies.



We've had tons of growth in recent decades—while wages stagnated, jobs fled our borders, life satisfaction flatlined, social capital eroded, poverty and inequality mounted, and the environment declined. The never-ending drive to grow the overall United States economy has led to a ruthless international search for energy and other resources, failed at generating needed jobs, and rests on a manufactured consumerism that does not meet the deepest human needs.

Americans are substituting growth and ever more consumption for doing the things that would truly make us and our country better off. Psychologists have pointed out, for example, that while economic output per person in the United States rose sharply in recent decades, there has been no increase in life satisfaction. Meanwhile, levels of distrust and depression have increased substantially.

Politically, the growth imperative is a big part of how we the people are controlled: the necessity for growth puts American politics in a straitjacket—a golden straitjacket, as Tom Friedman would say—and it gives the real power to those who have the finance and technology to deliver that growth—the corporations.

Here's the good news. We already know the types of policies that would move us toward a post-growth economy that sustains both human and natural communities. It is possible to identify a long list of public policies that would slow GDP growth, thus sparing the environment, while simultaneously improving social and individual well-being. Such policies include:

- shorter workweeks and longer vacations;
- greater labor protections, including a “living” minimum wage, protection of labor’s right to organize, and generous parental leaves;
- guarantees to part-time workers;
- a new design for the twenty-first-century corporation, one that embraces rechartering, new ownership patterns, and stakeholder primacy rather than shareholder primacy;
- restrictions on advertising;
- incentives for local and locally owned production and consumption;
- strong social and environmental provisions in trade agreements;
- rigorous environmental, health, and consumer protection (including fees or caps on polluting emissions and virgin materials extractions, leading in turn to full incorporation of environmental costs in prices);
- greater economic equality with genuinely progressive taxation of the rich (including a progressive consumption tax) and greater income support for the poor;
- increased spending on neglected public services; and initiatives to address population growth at home and abroad.

In this mix of policies, [Juliet Schor](#) and others have stressed the importance of work-time reduction. For example, if productivity gains result in higher hourly wages (a big “if” in recent decades) and work time is reduced correspondingly, personal incomes and overall economic growth can stabilize while quality of life increases. She points out that workers in Europe put in about three hundred fewer hours of work each year than Americans.

Taken together, these policies would undoubtedly slow GDP growth, but quality of life would improve, and that’s what matters.

The Growth We Need

Of course, even in a post-growth America, many things will still need to grow. We need growth in all the following areas:

- The number of good jobs and the incomes of poor and working Americans;
- The availability of health care and the efficiency of its delivery;
- Education and training;
- Security against the risks attendant to illness, old age, and disability;
- Investment in public infrastructure and in environmental protection;
- The deployment of climate-friendly and other green technologies;
- The restoration of both ecosystems and local communities;
- Research and development;
- And in international assistance for sustainable, people-centered development for the world’s poor.

These are among the many areas where public policy needs to ensure that growth occurs. Jobs and meaningful work top that list because unemployment is so devastating. Given today’s unemployment picture, America should be striving to add far more jobs than likely future rates of GDP growth will deliver. The availability of jobs, the well-being of people, and the health of

communities should not be forced to await the day when GDP growth might somehow deliver them. It is time to shed the view that, for working people, government provides mainly safety nets and occasional Keynesian stimuli. We must insist that government have an affirmative responsibility to ensure that those seeking decent-paying jobs find them.

The surest, and also the most cost-effective, way to that end is direct government spending, investments, and incentives targeted at creating jobs in areas where there is high social benefit, such as:

- modern infrastructure;
- child and elder care;
- renewable energy and energy efficiency;
- environmental and community restoration;
- local banking;
- and public works and childhood education, where there is a huge backlog of needs.

Creating new jobs in areas of democratically determined priority is certainly better than trying to create jobs by pump-priming aggregate economic growth, especially in an era where the macho thing to do in much of business is to shed jobs, not create them. Another path to job creation is reversing the United States' gung-ho stance on free trade globalization. To keep investment and jobs at home, journalist and author William Greider urges that Washington “rewrite trade law, tax law, and policies on workforce development and subsidy.”

Visions of Post-Growth Plenty

In [*Managing Without Growth*](#), Canadian economist Peter Victor presents a model of the Canadian economy that illustrates the real possibility of scenarios “in which full employment prevails, poverty is essentially eliminated, people enjoy more leisure, greenhouse gas emissions are drastically reduced, and the level of government indebtedness declines, all in the context of low and ultimately no economic growth.” Here are some of the policies and resultant social changes that Victor says could get us there in 30 years:

- a stiff carbon tax is used to control emissions of the principal greenhouse gas, carbon dioxide;
- labor productivity gains are taken as increased leisure time;
- population growth levels off;
- and unemployment declines due to work-sharing arrangements.

It is time for America to move to a post-growth society, where our communities and families are no longer sacrificed for the sake of mere GDP growth.

The model succeeds in generating these results, however, only if no-growth is phased in over several decades, not imposed immediately. In his discussion of policies needed for the transition, Victor mentions caps on emissions, resource-harvesting limits that take into account the environment’s assimilative capacity and resource regeneration rates, government social policies to eliminate poverty, reduced work time for employees, and other measures.

It is time for America to move to a post-growth society, where working life, the natural environment, our communities and families, and the public sector are no longer sacrificed for the sake of mere GDP growth; where the illusory promises of ever-more growth no longer provide an excuse for neglecting our country's compelling social needs; and where true citizen democracy is no longer held hostage to the growth imperative.



James Gustave Speth adapted this article for [YES! Magazine](#), a national, nonprofit media organization that fuses powerful ideas and practical actions. He is an environmental lawyer, advocate, and author, most recently of [*The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability*](#). From 1999 to 2008, he was dean of the Yale School of Forestry and Environmental Studies. From 1993 to 1999, he served as administrator of the U.N. Development Programme and chair of the UN Development Group. Prior to his service at the U.N., he was founder and president of the World Resources Institute; professor of law at Georgetown University; chairman of the U.S. Council on Environmental Quality; and senior attorney and cofounder, Natural Resources Defense Council.

A Journal of the Earth Ultimate Backgrounder

TRESPASS

Genetic Engineering as the Final Conquest
by Claire Hope Cummings

Published by Journal of the Earth
courtesy of
Worldwatch Institute . www.Worldwatch.org
Revised and updated, 2012.

Botanical Drawings
by
Sigrid Frensen

Helix Photo: istockphoto.com

Trespass: Genetic Engineering as the Final Conquest

Revised and updated for Journal of the Earth ~ Botanical Drawings by Sigrid Frensen

*"I have the feeling that science has transgressed a barrier that should have remained inviolate."
— Dr. Erwin Chargaff, biochemist and the father of molecular biology*

Hidden inside Hilgard Hall, one of the oldest buildings on the campus of the University of California at Berkeley, is a photograph that no one is supposed to see. It's a picture of a crippled and contorted corncob that was not created by nature, or even by agriculture, but by genetic engineering. The cob is kept in a plastic bin called "the monster box," a collection of biological curiosities put together by someone who works in a secure biotechnology research facility.

What the photo shows is a cob that apparently started growing normally, then turned into another part of the corn plant, then returned to forming kernels, then went back to another form — twisting back and forth as if it could not make

up its mind about what it was. It was produced by the same recombinant DNA technology that is used to create the genetically modified organisms (GMOs) that are in our everyday foods.

When I saw this photo, I knew it was saying something very important about genetic engineering. I thought it should be published. But the person who owns it is frankly afraid of how the biotechnology industry might react, and would not agree. In order to get permission even to describe the photo for this article, I had to promise not to reveal its owner's identity.

What the distorted corncob represents is a mute challenge to the industry's claim that this technology is precise, predictable, and safe. But that this challenge should be kept hidden, and

JOURNAL OF THE EARTH wishes to thank WORLDWATCH INSTITUTE for permission to reprint Claire Hope Cummings' remarkable background on GMOs, revised and updated for this issue. Worldwatch Institute delivers the insights and ideas that empower decision makers to create an environmentally sustainable society that meets human needs. Worldwatch focuses on the 21st-century challenges of climate change, resource degradation, population growth, and poverty by developing and disseminating solid data and innovative strategies for achieving a sustainable society. Worldwatch leverages a network of international partners in more than a dozen countries for maximum global impact. Research findings are disseminated in more than 20 languages via innovative use of print and online media. The Institute partners with more than 25 publishing concerns worldwide.

that a scientist who works at a public university should feel too intimidated to discuss it openly, told me that something more than just a scientific question was being raised. After all, if the new agricultural biotech were really safe and effective, why would the industry work so hard — as indeed it does — to keep its critics cowed and the public uninformed? Was there something about the way genetic engineering was developed, about how it works, that was inviting a closer look — a look that the industry would rather we not take? I had gone to Berkeley to see for myself what was going on behind biotechnology.

The University of California at Berkeley ("Cal") is the stage on which much of the story of genetic engineering has played out over the last 25 years. The biotechnology industry was born here in the San Francisco Bay area, and nurtured by scientists who worked at Berkeley and nearby universities. Critical controversies over the role genetic engineering and related research should have in society have erupted here. Even the architecture of the campus reflects the major scientific and policy divisions that plague this technology. Two buildings, in particular, mirror the two very different versions of biology that emerged in the last half of the twentieth century, and reflect two very different visions for agriculture in the future.

Hilgard Hall was built in 1918, at a time when mastering the classical form and celebrating beauty were important, perhaps even integral, to the accepted function of a building. Hilgard's façade is exquisitely decorated with friezes depicting sheaves of wheat, beehives, bunches of grapes, cornucopias, and bas relief sculptures of cow heads surrounded with wreaths of fruit. Above the entrance, carved in huge capital letters, are the



Plums. Botanical drawing by Sigrid Frensen.

words, "TO RESCUE FOR HUMAN SOCIETY THE NATIVE VALUES OF RURAL LIFE." The massive front door opens to a grand two-story hall graced with granite, marble, and carved brass. But behind that elegant entrance is a building left in disrepair. Getting around inside Hilgard means navigating worn marble staircases and dark corridors laced with exposed pipes and heating ducts. The room where the monster box photograph is kept is small and dank. This building is home to the "old" biology — the careful observation of life, living systems, and their complex interactions. Being inside Hilgard is a visceral lesson in how Cal is neglecting the classic study of the intimate inter-relationships among agriculture, the environment, and human society.

Nearby, and standing in stark contrast to Hilgard's faded splendor, is a newer, modern office building, Koshland Hall. Koshland is not unattractive, with its pitched blue tile roof lines and bright white walls lined with blue steel windows, but it was built in the mid-1990s in a functional style that, like most new campus buildings, has all the

Cummings

charm and poetry of an ice cube. The interior is clean and well-lighted. Next to office doors hang plaques that name the corporations or foundations that fund the activities inside. This is the home of the “new biology” — the utilitarian view that life is centered in DNA and molecules can be manipulated at will. Molecular biology is clearly doing well at Cal.

Koshland Hall was named after a distinguished former member of the faculty, Daniel Koshland, former editor of the journal *Science* and chair of Berkeley’s Department of Biochemistry. He had the unique distinction of having been present at the two most important scientific revolutions of our time: he participated both in the Manhattan Project, which developed nuclear weapons, and in the early development of molecular biology. He is credited with “transforming” the biological sciences at Berkeley.

THE NEW BIOLOGY

One hundred years ago, no one had heard of a “gene.” The word was not recognized until 1909, and even after that it remained an abstraction for

decades. At the time, scientists and others were making an effort to find a material basis for life, particularly heritability, the fundamental function of life. The story of genetic engineering in the United States begins with the decision to identify genes as the basis of life. But the ideological roots of this story go even deeper, into the nation’s earlier history and attachment to the ideas of manifest destiny, eugenics, and social engineering.

Early in the twentieth century, the new “science” of sociology made its appearance — along with the highly appealing belief that social problems were amenable to scientific solutions. In time, sociology began to combine with genetic science, giving strong impetus to technocratic forms of social control, and particularly to eugenics — the belief that the human race could be improved by selective breeding. Until the 1930s, the science of genetics had not developed much beyond Mendelian principles of heredity, but eugenics was already being promoted as the solution to social problems. As the idea that genes determined traits in people took hold, eugenics twisted it to foster the concept that there were “good” genes and

“bad” genes, good and bad traits. Eugenics eventually gained a powerful foothold both in the popular imagination and in the U.S. government, as well as in Nazi Germany. Even today, these notions underlie the decisions biotechnologists make about what genes and traits are beneficial, what organisms are engineered, and who gets to decide how this technology will be used.

According to Lily Kay, an assistant professor of the history of science at Massachusetts Institute of Technology, genetic engineering came about as the result of the concerted effort of a few scientists, who, along with their academic and philanthropic sponsors, had a shared vision about how they could use genetics to reshape science and society. In her book *The Molecular Vision of Life: Caltech, the Rockefeller Foundation, and the Rise of the New Biology*, Kay writes that this vision was not so much about underlying biological principles as it was about social values. The new biology that evolved from this thinking was founded on a strong belief in “industrial capitalism” and its perceived mandate for “science-based social intervention.” The potential for this idea, and the intentional strategy to use it for social purposes, was clearly understood from the outset, says Kay. The developers of “molecular biology” (a term coined by the Rockefeller Foundation) were confident that it would offer them a previously unimagined power and control over both nature and society.

Science was molded to this agenda in 1945, when Vannevar Bush, the head of President Franklin D. Roosevelt’s wartime Office of Scientific Research and Development, wrote “Science, the Endless Frontier” — a

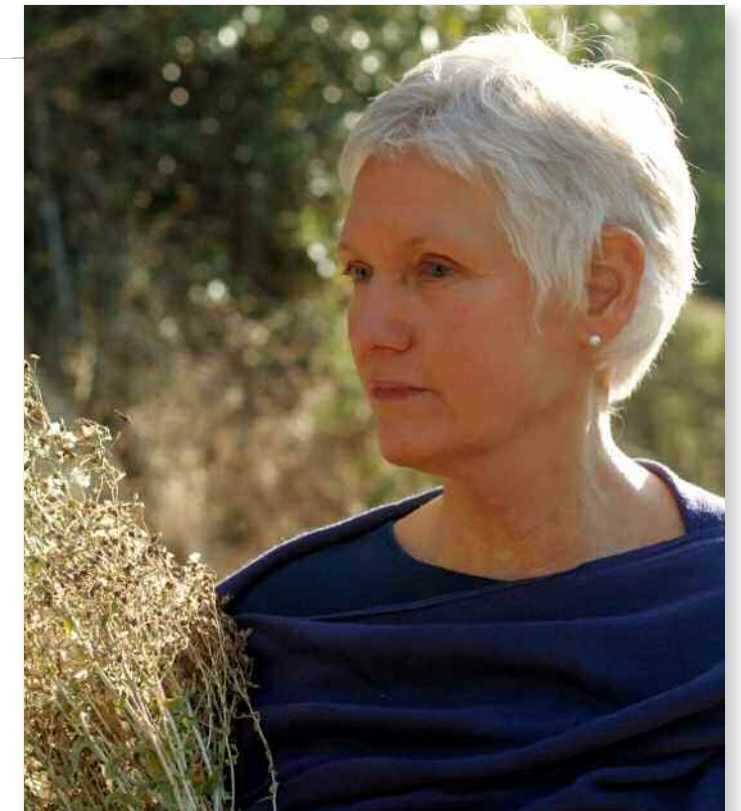


Photo: Timmy Vatterott

CLAIRE HOPE CUMMINGS is an award-winning journalist, environmental lawyer, and the author of *Uncertain Peril: Genetic Engineering and the Future of Seeds* (Beacon Press, March 2008), which won the American Book Award in 2009. Other awards were for both print and radio reporting.

Claire’s stories focus on the environmental and political implications of how we eat and how food and farming reconnects us to each other and the places where we live. She has farmed in California and in Vietnam, where she had an organic farm in the Mekong Delta. For four years she was an attorney for the United States Department of Agriculture’s Office of General Counsel.

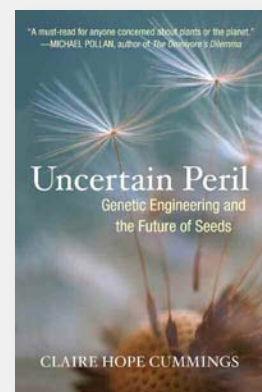
For the last 15 years, Claire has been active in the local food and farming movement in the San Francisco Bay Area, helping to found the Marin County food policy council, and serving on the boards of organizations such as Earth Island Institute, Community Alliance with Family Farmers, Food First, and the Elmwood Institute — the predecessor organization for the Center for Ecoliteracy. Claire was awarded a Food and Society Policy Fellowship in 2001. She currently advises The Columbia Foundation’s sustainable communities and food system programs.

As a lawyer, Claire represented and advised environmental and native groups on environmental and cultural preservation throughout the U.S. In Hawai’i Claire represented the Halawa Valley Coalition and The Hawai’i La’ieikawai Association during the H3 litigation and was a founder of Hui Aina o Hana. Claire has also represented and worked extensively with the Winnemen Wintu tribe in Northern California as well as traditional native groups in Arizona, New Mexico, Florida and elsewhere.

She is a founder of The Cultural Conservancy, a native land rights organization. Cummings’ website can be found at

www.clairehopecummings.com

Uncertain Peril by Claire Hope Cummings



“... A persuasive account of a lesser-known but potentially apocalyptic threat to the world’s ecology and food supply — the privatization of the Earth’s seed stock... [Cummings’] authoritative portrait of another way in which our planet is at peril provides stark food for thought.” — *Publishers Weekly*

“... Her description of the hit-or-miss nature of the genetic-engineering process — which studies suggest may be at the root of alleged health impacts associated with GMOs — will unnerve many. A firm but not strident attack on ‘techno-elites’ that raises serious questions about the way we farm.” — *Kirkus Reviews*

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Cummings

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landmark report that outlined how science could better serve the private sector. As Kay tells the story, at that point the search for a science-based social agenda began in earnest. It was funded and directed by business corporations and foundations acting together as “quasipublic entities” using both private and public funds to harness “the expertise of the human sciences to stem what was perceived as the nation’s social and biological decay and help realize the vision of America’s destiny.” Eventually, the combined efforts of corporate, academic, and government interests began to bear fruit and “the boundary between individual and corporate self-interest, between private and public control, would be increasingly blurred.”

The story of how James Watson and Francis Crick described the structure of the DNA helix in 1953 is well known. Less known, but of considerable consequence, is what followed. With little hesitation, they announced that DNA is “the secret of life” – and began to promote what was to become known as “the central dogma” – the notion that genetic information flows in only one direction, from DNA to RNA to a protein, and that this process directly determines an organism’s characteristics. This dogma was, as described by geneticist Mae-Wan Ho, author of *Living with the Fluid Genome*, “just another way of saying that organisms are hardwired in their genetic makeup and the environment has little influence on the structure and function of the genes.” In her book, Dr. Ho argues that the central dogma is too simplistic. She observes that not all DNA “codes

for proteins” and that the genome is fluid and interactive. Similarly, in a 1992 Harper’s Magazine article, “Unraveling the DNA Myth: The Spurious Foundation of Genetic Engineering,” Queens College biologist Barry Commoner writes that “the central dogma is the premise that an organism’s genome – its total complement of DNA genes – should fully account for its characteristic assemblage of inherited traits. The premise, unhappily, is false.”

Still, the singular view of “life as DNA” dominated biology in the late twentieth century, in part because its very simplicity provided the biological rationale for engineering DNA. Technological advances in other fields – the study of enzymes that cut DNA and bacteria that recombine it – were teamed up with high speed computers that provided the computational muscle needed. And yet, even as the old biology became the “new and improved” molecular biology, it was promoted with a social pedigree about how it would serve the public. Its mandate was the same one that was used to colonize the “new world” and to settle the Wild West – the promise that this progress would provide everyone a better life.

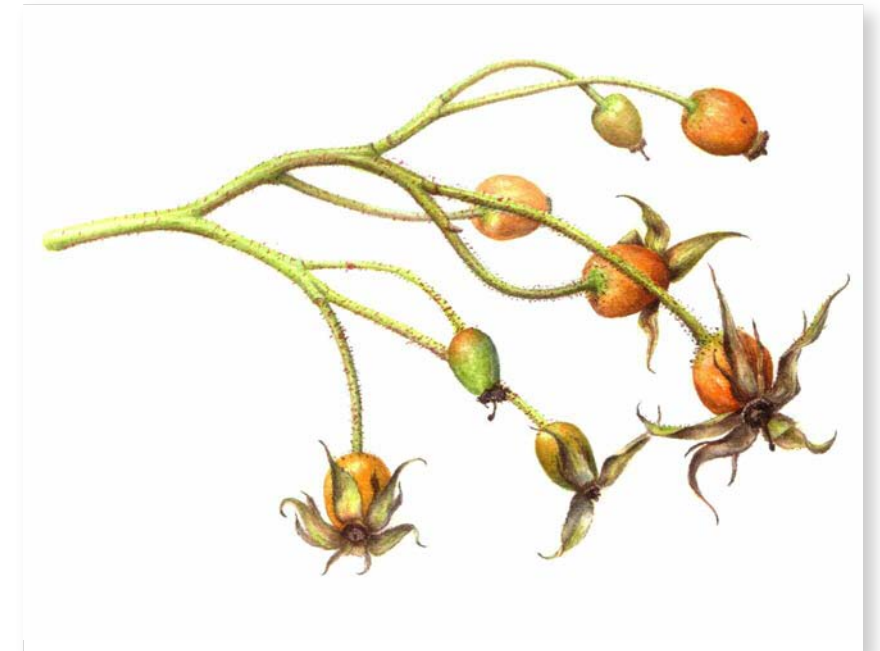
Judging by his comments, if James Watson had had his way, research would have proceeded undeterred by any concerns over the hazards that genetic engineering posed. He said he’d always felt that the “certain promise” of this revolutionary new technology far outweighed its “uncertain

peril.” But others, such as Paul Berg of Stanford University, were calling for a more measured approach. In 1975 Berg joined other scientists concerned about the risks of genetic engineering in a meeting held at the Asilomar conference center, near Monterey, California. It was a rare collective action, with participants coming from a spectrum of universities, government agencies, and research institutes.

In his introductory remarks, David Baltimore of MIT noted that the participants were there to discuss “a new technique of molecular biology,” one that “appears to allow us to outdo the standard events of evolution by making combinations of genes which could be unique in natural history.” He went on to say that they should design a strategy to go forward that would “maximize the benefits and minimize the hazards.” They produced a 35-page report that detailed their concerns about creating new pathogens and toxins, the emergence of allergens and disease vectors that could cause cancer or immune disorders, as well as “unpredictable adverse consequences” and the specter of “wide ecological damages.”

Then, in the last hours of the meeting, on the very last night, a couple of the participants pointed out that the public had the right to assess and limit this technology. What happened next was pivotal. These scientists believed they were entitled to benefit from the extraordinary potential of genetic engineering, and they argued that they could find technological fixes for any problems that might emerge. Susan Wright, author of *Molecular Politics*, a history of biotech regulatory policy, recalls that there was virtual unanimity for the idea that scientists would create a central role for themselves in policymaking – to the exclusion of society in general. From then on, Wright says, this “reductionist discourse” became doctrine. Asilomar defined the boundaries of public discourse, and the questions about potential hazards that were raised there went unanswered.

The new biology that evolved ... was founded on a strong belief in “industrial capitalism” and its perceived mandate for “science-based social intervention.” The potential for this idea, and the intentional strategy to use it for social purposes, was clearly understood from the outset, says Kay. The developers of “molecular biology” (a term coined by the Rockefeller Foundation) were confident that it would offer them a previously unimagined power and control over both nature and society.



Rose hips. Botanical drawing by Sigrid Frensen.

The inoculation that Asilomar gave biotechnology against the ravages of government control was given a booster shot a few years later when executives from the Monsanto Corporation visited the Reagan White House. The industry sought and obtained assurance that they would not be blindsided by regulation. After all, these early developers of GMOs were agrochemical companies like Dow Chemical, DuPont, Novartis, and Monsanto, who were the sources of pervasive chemical pollution that resulted in the environmental laws that were passed in the 1960s. This time, they were intent on getting to the lawmakers before the public did.

PUBLIC POLICY: THE ENDLESS FRONTIER

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Berberis. Botanical drawing by Sigrid Frensen.

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The resulting “regulatory reform” was announced in 1992, by then Vice President Dan Quayle, at a press conference in the Indian Treaty Room near his office. It was custom-made for the industry. The new policy left just enough oversight in place to give the industry political cover, so that they could offer assurances to the public that the government was watching out for the public interest when, in fact, it was not. The regulatory system that was adopted, which is essentially what is still in place today, is basically voluntary and passive. It’s a “don’t look, don’t tell” arrangement whereby the industry doesn’t tell the government about problems with its products and the government doesn’t look for them.

Quayle said that government “will ensure that biotech products will receive the same oversight as other products, instead of being hampered by unnecessary regulation.” The rationale for this policy was a concept called “substantial equivalence,” which means that GMOs are not substantially different than conventional crops and foods. The sci-

ence journal *Nature* dubbed substantial equivalence a “pseudo-scientific concept ... created primarily to provide an excuse for not requiring biochemical and toxicological tests.” Nevertheless, it was adopted by all three agencies responsible for food and agriculture — the United States Department of Agriculture, the Environmental Protection Agency, and the Food and Drug Administration — and it is the reason there have been no safety studies of GMO foods, no post-market monitoring, no labels, no new laws, no agency coordination, and no independent review.

Henry Miller, head of biotechnology at FDA from 1979 to 1994, told the New York Times in 2001 that government agencies did “exactly what big agribusiness had asked them to do and told them to do.” During Miller’s tenure at the FDA, staff scientists were writing memos that called for further testing and warning that there were concerns about food safety. But the man in charge of policy development at FDA was Michael Taylor, a former lawyer for Monsanto. And, according to Steven Druker, a public-interest lawyer who obtained three of these internal FDA memos, under Taylor “references to the unintended negative effects of bioengineering were progressively deleted from drafts of the policy statement.”

Taylor exemplifies the “revolving door” between government and industry. He became an administrator at the USDA in charge of food safety and biotechnology, then became a vice-president at Monsanto, and is now back again as a “food czar” at the FDA. Federal agencies have employed dozens of people who were associated with biotech companies or formerly worked for them. Biotech lawyers and lobbyists serve in policy-making positions, leave government for high paying jobs with industry, and in some cases return to government to defend industry interests again. Still, dismantling regulatory oversight has been only part of industry’s overall strategy to commercialize GMOs.

BREAKING THE BIOLOGICAL BARRIERS

All the big agrochemical seed companies — DuPont, Monsanto, Pioneer Hi-Bred, and Dekalb — were betting the farm on genetic technologies in the 1980s. But just one crop, corn, stood in their way. Corn was becoming the “Holy Grail” of agricultural biotechnology because these companies knew that if this idea was ever going to be commercially viable, it had to work with corn — which is of central importance to American agriculture. As they raced to find a way to genetically engineer corn, they perfected the complicated steps required to transform plants into transgenic crops. It all came together in June 1988, when Pioneer Hi-Bred patented the first viable and replicable transgenic corn plant.

In the end, the secret of recombining DNA was found not so much through a process of tedious, repetitive experimentation as of that traditional, Wild-West way of getting what you want — using stealth and brute force. The primary problem genetic engineers faced was how to get engineered DNA into target cells

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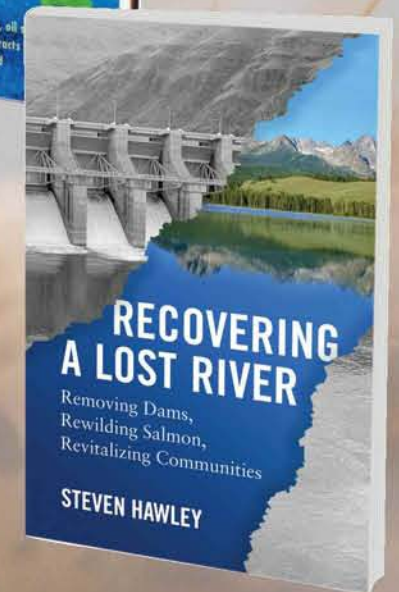
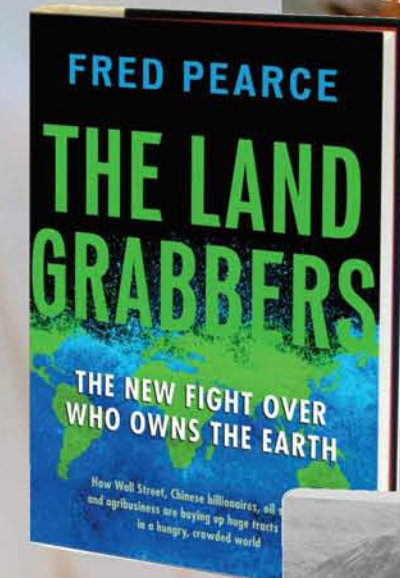
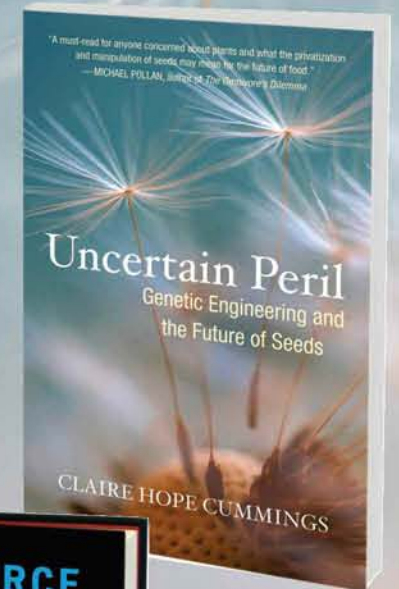
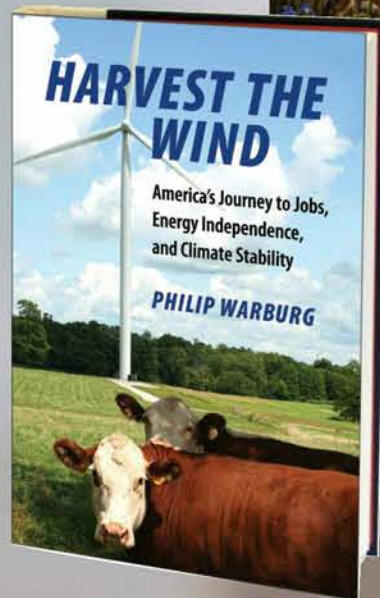
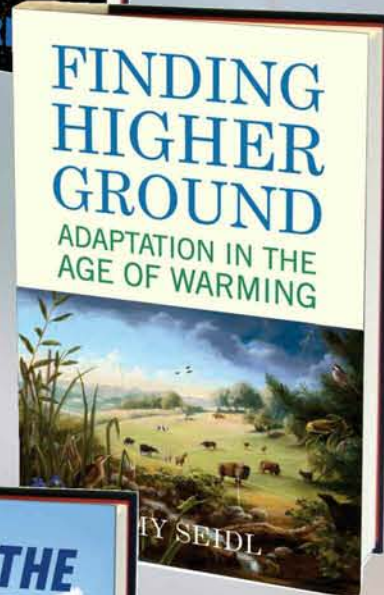
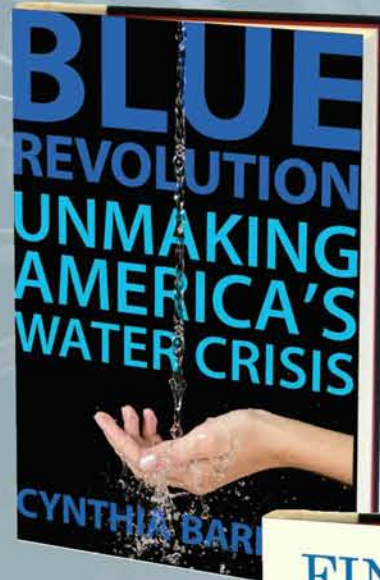
—Lester R. Brown, president of Earth Policy Institute and author of *World on the Edge*

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—Carl Pope, executive director, the Sierra Club



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Cummings

One day in December 1983, during the Christmas break at Cornell University, three men put on booties, gowns, and hair coverings, picked up a gun, and entered the university's National Submicron Facility. John Sanford, a plant breeder at Cornell, and his colleagues, the head of the facility and a member of his staff, were about to shoot a bunch of onions to smithereens. For years, they had been looking for ways to speed up the conventional plant breeding process using genetic transformation techniques. ...Then one day, while waging a backyard battle with some pesky squirrels, Sanford got the idea of using a gun.

without destroying them. For some plants, like tobacco and soybeans, the problem was solved by the use of stealth. A soil microbe that produces cancer-like growths in plants was recruited to “infect” cells with new modified DNA. This agrobacterium formed a non-lethal hole in the wall of a plant cell that allowed the new DNA to sneak in. But that method did not work with corn. For corn, a more forceful cell invasion technique was called for, one that resulted in the invention of the gene gun.

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Then one day, while waging a backyard battle with some pesky squirrels, Sanford got the idea of

using a gun. He figured out how to load the gun with specially coated microscopic beads, and then he and his friends tried the idea out on the onions. Soon, pieces of onion were splattered everywhere, and the smell of onions and gun powder permeated the air. They kept up this odorous massacre until they figured out how to make it work. It seemed implausible, even laughable, at the time. But the gene gun, which uses .22-caliber ballistics to shoot DNA into cells, is now found in biotechnology laboratories all over the world.

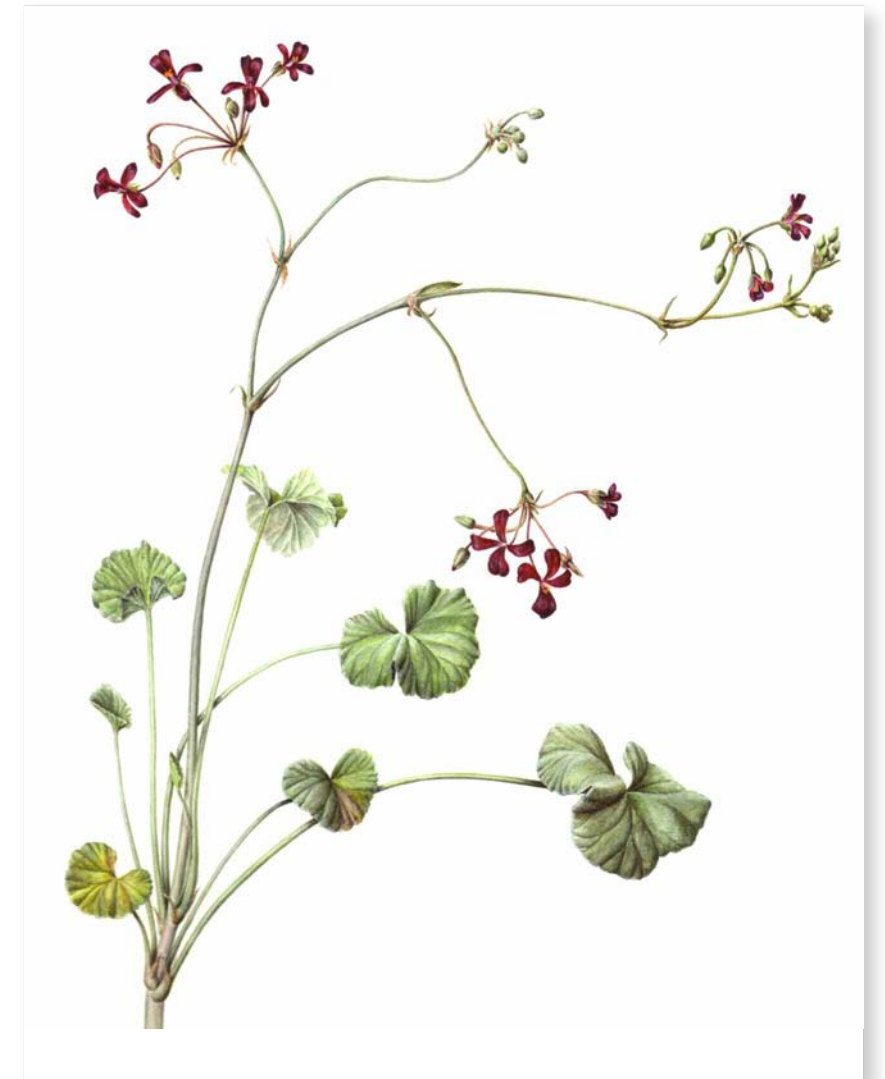
Although it is clearly a “hit or miss” technique, transferring DNA is actually straightforward. The tricky part is getting the target plant to accept the new genes. That requires overcoming billions of years of evolutionary resistance that was specifically designed to keep foreign DNA out. You simply can't get a fish and a strawberry to mate, no matter how hard you try — or at least you couldn't until now. Genetic engineers are now able to take a gene that produces a natural antifreeze from an arctic flounder and put it into a strawberry plant so that its fruit is frost resistant. But this feat can only be accomplished through the use of specially designed genes that facilitate the process. Along with the trait gene, every GMO also contains genetically engineered vectors and markers, antibiotic resistance genes, viral promoters made from the cauliflower mosaic virus, genetic switches and other constructs that enable the “transformation” process.

Once all these genes are inserted, where they end up and what they may do are unknown. The only precise part of this technique is the identification and extraction of the trait DNA from the donor organism. After that, it's a biological free-for-all. In genetic engineering, failure is the rule. The way you get GMO crops to look and act like normal crops is to do thousands and thousands of insertions, grow the ones that survive out, and then see what you get. What you finally select for further testing and release are those “happy accidents” that appear to work. The rest of the millions of plants, animals and other organisms that are subjected to this process are sacrificed or thrown out — or end up in some lab technician's monster box.

PROCESS, NOT PRODUCT

The public controversy over GMOs has focused largely on the products, on how they are marketed, and on what is planted where. But we now know that the process used to make them, and the novel genetic constructs used in the process, may constitute greater threats to human and environmental health than the products themselves. There are documented reports of allergenic reactions to GMO foods. According to a report in *Nature Biotechnology*, for example, the commonly used cauliflower mosaic virus contains a “recombination hotspot” that makes it unstable and prone to causing mutations, cancer, and new pathogens. The British Medical Association and the U.S. Consumer's Union have both warned about new allergies and/or adverse impacts on the immune system from GMO foods. And public health officials in Europe are concerned that antibacterial resistance marker genes in GMOs could render antibiotics ineffective. Very few studies have been done

In the end, the secret of recombining DNA was found not so much through a process of tedious, repetitive experimentation as of that traditional, Wild-West way of getting what you want — using stealth and brute force. The primary problem genetic engineers faced was how to get engineered DNA into target cells without destroying them. For some plants, like tobacco and soybeans, the problem was solved by the use of stealth. A soil microbe that produces cancer-like growths in plants was recruited to “infect” cells with new modified DNA.



Pelargonium Sidoides. Botanical drawing by Sigrid Frensen.

Cumminz

on human health and GMOs, but numerous animal studies indicate serious health concerns including allergies, toxins, immune system and organ damage, mutations, birth defects, tumors, and early death.

There are also increasing reports of a phenomenon previously thought to be rare, “horizontal gene transfer,” which happens when genes travel not just “vertically” through the normal processes of digestion and reproduction, but laterally, between organs in the body or between organisms — sort of like Casper the Ghost floating through a wall. Geneticist Mae-Wan Ho, who has been documenting this phenomenon, says it’s happening because the new technology “breaks all the rules of evolution; it short-circuits evolution altogether. It bypasses reproduction, creates new genes and gene combinations that have never existed, and is not restricted by the usual barriers between species.”

In 2001, the world’s most widely grown GMO, Monsanto’s Round-up Ready soybean, was found to contain some mysterious DNA. Monsanto claimed it was native to the plant. When it was shown instead to be the result of the transforma-

tion process, Monsanto couldn’t explain how it got there. And it has been shown that the nutritional profile of the transgenic soybean is different than that of the conventional variety.

A new report, based on peer-reviewed scientific literature and USDA documents, has found that significant genetic damage to the integrity of a plant occurs when it is modified, including rearrangement of genes at the site of the insertion and thousands of mutations and random modifications throughout the transgenic plant. Another study, by David Schubert of the Salk Institute for Biological Studies in La Jolla, California, found that just one transgenic insertion can disrupt five percent of the genes in a single-cell bacterium. Translated into plant terms, that means 15,000 to 300,000 genes get scrambled. Industry was given a blank check by government allowing it to commercialize the technology prematurely, before science could validate the techniques being used or evaluate the safety of the products being developed.

STRATEGIC CONTAMINATION

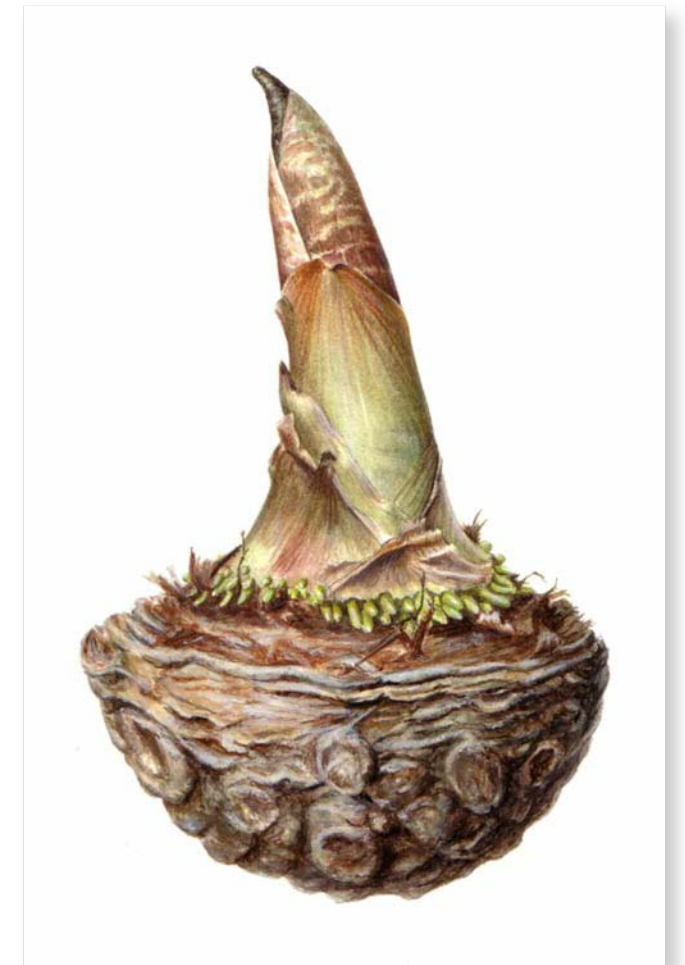
Even before GMOs were released in the mid-1990s, they were thought by some scientists to be

promiscuous. Now that GMO contamination is running rampant, it’s hard to believe that the biotech industry wasn’t aware of that risk. The industry would have had to ignore early warnings such as a study done at the University of Chicago which found one transgenic plant that was 20 times more likely to interbreed with related plants than its natural variety.

But now, because herbicide-tolerant genes are getting into all sorts of plants, farmers have to contend with “super-weeds” that cannot be controlled with common chemicals, and American agriculture is riddled with fragments of transgenic material. The Union of Concerned Scientists recently reported that the seeds of conventional crops — traditional varieties of corn, soybeans, and canola — are now “pervasively contaminated with low levels of DNA originating from engineered varieties of these crops.” One laboratory found transgenic DNA in 83 percent of the corn, soy, and canola varieties tested.

GMO contamination is causing mounting economic losses, as farmers lose their markets, organic producers lose their certification, and processors have to recall food products. The contamination is even beginning to affect property values. Consumers are eating GMOs, whether they know it or not, and even GMOs not approved for human consumption have shown up in our taco shells. New “biopharmaceutical” crops used to grow drugs have leaked into the human food supply. And across the nation, hundreds of open field plots have grown transgenic corn, rice, and soybeans that contain drugs, human genes, animal vaccines, and industrial chemicals, without sufficient safeguards to protect nearby food crops.

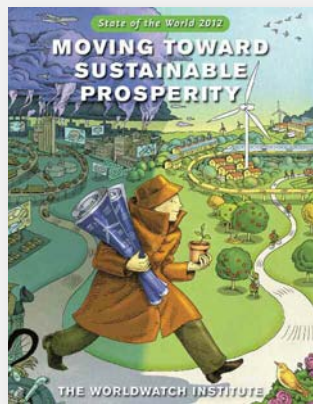
It’s not only food and farming that are affected. Part of what makes GMOs such an



Arisaema tortuosum. Botanical drawing by Sigrid Frensen.

environmental threat is that, unlike chemical contamination, GMOs are living organisms, capable of reproducing and recombining, and once they get out, they can’t be recalled. Now that there are genetically engineered fish, trees, insects, and other organisms, there’s no limit to the kind of environmental surprises that can occur. The widespread ecological damage discussed at Asilomar is now a reality. In just one example of what can happen, a study found that when just 60 transgenic fish were released into a wild population of tens of thousands of fish, all the wild fish were wiped out in just 40 generations. And what will happen when there are plantations of transgenic trees, which can disperse GMO pollen for up to 40 miles and over several decades? Without physical or regulatory restraints, GMOs

Worldwatch Institute . State of the World 2012



In 1992, governments at the Rio Earth Summit made a historic commitment to sustainable development. Twenty years later, human civilization has never been closer to ecological collapse, one-third of humanity lives in poverty, and another two billion people are projected to join the human race over the next forty years. How will we move toward sustainable prosperity shared equitably among all?

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pose a very real threat to the biological integrity of the planet. As GMO activists say, it gives “pollution a life of its own.”

The unasked questions that linger behind all the stories of GMO contamination is: What is the role of industry? How do the manufacturers of GMOs benefit from gene pollution? The fact is, the industry has never lifted a finger to prevent it, and the biological and political system they have designed for it encourages its spread. The industry calls contamination an “adventitious presence,” as if it were a benign but unavoidable consequence of modern life, like background radiation from nuclear testing.

In the United States, there are no legal safeguards in place to protect the public — not even labels. Labels would at least provide the consumer with a means for tracing the source of any problems that occur. Plus, without liability laws, the industry avoids accountability for any health or environmental damage it causes. It opposes independent testing and then takes advantage of the lack of data to make false assurances about its products’ safety. The Wall Street Journal reported

in 2003 that “makers of genetically modified crops have avoided answering questions and submitted erroneous data” on the safety of their products to the federal government. They have spent hundreds of millions of dollars on massive public relations campaigns that use sophisticated “perception management” techniques all aimed at falsely assuring the public, and government agencies, that their products are useful and safe.

Beyond their not having to label and segregate GMOs, biotech companies can manufacture, sell, and distribute them without having to take expensive precautions against contamination. They do not have to monitor field practices or do any post-market studies. When farms or factories are contaminated with GMOs, the industry is not held responsible for clean-up costs, as would be the case with chemical contamination. Instead, massive GMO food and crop recalls have been subsidized by taxpayers. Industry not only doesn’t pay for a farmer’s losses; it often sues the farmer for patent infringement and makes money on the deal. Monsanto, in particular, has profited richly by extorting patent infringement fines from farmers whose crops were inadvertently contaminated.

In September 2004, a study reported that herbicide-resistant genes from Monsanto’s new bio-engineered creeping bentgrass were found as far away as measurements were made —13 miles downwind. Monsanto’s response was that there was nothing to worry about; it had proprietary herbicides that could take care of the problem, assuring more the sale of its products than a limit to the contamination. By assiduously avoiding any responsibility for the proliferation of GMOs, and by defeating attempts by the public to contain them, the agricultural biotechnology industry has thus virtually ensured that GMO contamination will continue unabated. A biotech industry consultant with Promar International, Don Westfall, put it this way: “The hope of industry is that over time the market is so flooded that there’s nothing you can do about it. You just sort of surrender.”

The most alarming case of GMO contamination was the discovery of transgenes in corn at the center of the origin of corn in Mexico. From the time GMO corn was first planted in the U.S. Midwest, it took only six years for it to make its way back home in the remote mountainous regions of Puebla and Oaxaca, Mexico.

Ignacio Chapela, a Mexican-born microbial biologist, was the scientist who first reported this contamination in 2001. Early in 2002, I visited the area with Dr. Chapela to investigate the cultural and economic implications of his findings. While I was there I got a first-hand look at the



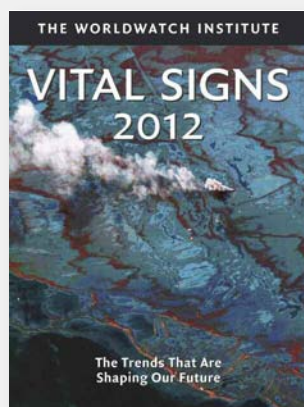
Leaf. Botanical drawing by Sigrid Frensen.

complicity of government and industry in the spread of GMO contamination.

The genetic diversity of corn, the world’s most important food crop after rice, has been fostered for thousands of years by Zapotec and hundreds of other indigenous farming communities who have lived in these mountainous areas since before the Spanish arrived. Now their traditional land-based ways of life, the sacred center of their culture, and the source of their economic livelihood, corn, has been imperiled by this new form of colonization. The farmers I talked to there were well-informed, but worried about their cultural and economic

Although Mexico had banned the commercial planting of transgenic corn, under pressure of NAFTA and the biotech industry it was importing corn from the U.S. that it knew was contaminated. It then distributed this whole-kernel corn to poor communities as food aid, without labels or warnings to rural farmers that it should not be used for seed. This highly subsidized corn, which is being dumped on third world farmers at prices that are lower than the cost of production, undermines local corn markets.

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Cumminz

survival. What they did not understand was how transgenic corn got into their fields.

Early press reports blamed the farmers themselves, based on the observation that in order to help support their families and communities, some of them travel to the U.S. to work as migrant workers. But, in fact, it turned out that the cause of the contamination was the Mexican government and “free trade” rules. Although Mexico had banned the commercial planting of transgenic corn, under pressure of NAFTA and the biotech industry it was importing corn from the U.S. that it knew was contaminated. It then distributed this whole-kernel corn to poor communities as food aid, without labels or warnings to rural farmers that it should not be used for seed. This highly subsidized corn, which is being dumped on third world farmers at prices that are lower than the cost of production, undermines local corn markets. But instead of taking steps to stop the spread of this contamination, or to protect its farming communities, or even to guard its fragile biodiversity, the Mexican government, the international seed banks, and the biotech industry all deflected pub-

lic and media attention to a convenient scapegoat — Dr. Chapela.

THE SUPPRESSION OF SCIENCE

Chapela and his graduate student, David Quist, had published their findings in the peer-reviewed journal *Nature*. They had actually made two findings: First, that GMOs had contaminated Mexico’s local varieties of corn — in technical terms, that “introgression” had occurred. Second, they found that once transgenes had introgressed into other plants, the genes did not behave as expected. This is evidence of transgenic instability, which scientists now regard with growing concern. But allegations of such instability can be dangerous to make because they undermine the central dogma’s basic article of faith: that transgenes are stable and behave predictably. Not surprisingly, the industry attacked the first finding, but was foiled when the Mexican government’s own studies found even higher levels and more widespread GMO contamination than the *Nature* article had reported. The industry then focused its attack to the finding of transgenic instability.

For over a year, the industry relentlessly assailed Quist and Chapela’s work, both in the press and on the Internet. As the debate raged on, scientists argued both sides, fueled, Chapela says, by a well developed and generously funded industry public relations strategy that did not hesitate to make the attacks personal. Monsanto even retained a public relations firm to have employees pose as independent critics. The outcome was unprecedented. The editor of *Nature* published a letter saying that ... “in light of the criticisms the evidence available is not sufficient to justify” the publication of the original paper.

This “retraction” made reference to the work of two relatively unknown biologists, Matthew Metz and Nick Kaplinsky. At the time, Kaplinsky was still a graduate student in the Department of Plant and Microbial Biology at UC Berkeley. Metz had finished his work at Berkeley and was a post-doctoral fellow at the University of Washington. What few knew was that their role in the *Nature* controversy was linked to another dispute that they, Quist, and Chapela, had been involved in. That earlier dispute, too, was about the integrity of science. And in that case, Chapela had led the faculty opposition — and Quist had been a part of the student opposition — to private funding of biotechnology research at UC Berkeley.

Meconopsis cambrica pods. Botanical drawing by Sigrid Frensen.

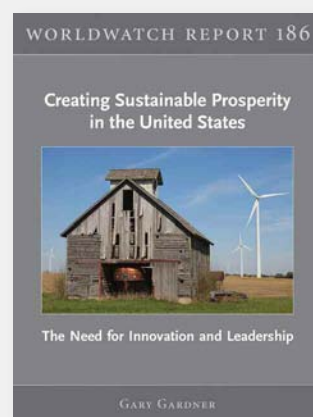


THE PIE ON THE WALL

The University of California at Berkeley is a “land grant” institution, meaning that it was created to support California’s rich agricultural productivity. But by the late 1990s, Cal had all but abandoned its original mission. Berkeley had become the national leader in collecting royalty payments on its patents, many of which related to the development of genetic engineering. This development was facilitated by the passage of the Bayh-Dole Act of 1980, which allowed universities to patent their research, even if it was publicly funded. By the fall of 1998, the private funding of research at Berkeley was in its full glory. That year, the dean of the College of Natural Resources, Gordon Rausser, announced that he had brokered an unprecedented research deal with the Novartis Corporation, then a multinational Swiss agrochemical and pharmaceutical giant.

Novartis was giving just one department of the College, the Department of Plant and Microbial Biology, \$25 million over a five-year period. The deal was fraught with conflicts of interest, not the least of which was that Novartis employees served on academic committees and got first license rights to the De-

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Cummins

Suddenly I felt a commotion erupting behind me. Something rushed past my head, missed its intended target, and splattered on the wall behind the front table. Then another object followed, grazed Dean Rausser, and landed on the floor at his feet. ... In their hallmark style, which is humorous political theater, the “Biotic Baking Brigade” had tossed two vegan pumpkin pies ... at the signers of the Novartis agreement.

partment’s research products. Novartis proudly announced that “the ultimate goal” of the agreement was “to achieve commercialization of products.” This took private intrusion into the public sector to a new level, allowing private investors to profit directly from public investment in research, and arousing concerns about the increasing privatization of public research institutions across the country.

In true Berkeley fashion, the controversy erupted into protests. When the deal was announced in November 1998, I covered the press conference. It was held in a packed room upstairs in Koshland Hall, home of the Department of Plant and Microbial Biology. Novartis executives stood shoulder to shoulder with UC Berkeley administrators and leading faculty. They all looked on benevolently while the agreement was formally signed. Then the speeches started. Steven Briggs, then president of Novartis Agricultural Discovery Institute, the foundation that funneled corporate money to the university and got government research and tax credits for Novartis, signed the deal on behalf of Novartis. Briggs, who is an expert on the corn genome, called the agreement — without the least suggestion of irony — “the final statement in academic freedom.”

The person most responsible for the Novartis deal, Dean Rausser, was proud of his considerable connections in the private sector. While he was dean, he built a consulting company worth millions. During the press conference, he stood at the front of the room with the other key participants. The press and other guests were seated in folding chairs facing them, and students sat on the floor along the walls. Hefty security men in blue blazers with wires dangling from their ears were lined up along the back wall. I was in the front row. Suddenly I felt a commotion erupting behind me. Something rushed past my head, missed its intended target, and splattered on the wall behind the front table. Then another object followed, grazed Dean Rausser, and landed on the floor at his feet. It all happened fast, but I soon realized that I was in the middle of a pie-throwing protest. In their hallmark style, which is humorous political theater, the “Biotic Baking Brigade” had tossed two vegan pumpkin pies (it was Thanksgiving week, after all) at the signers of the Novartis agreement.

As campus security guards wrestled the protesters to the floor and then pulled them out of the room, the AP reporter who was sitting next to me jumped up and ran out to call in her story. I stayed and watched Dean Rausser, who had been speaking at the time. He just looked down, brushed some pie off his suit, then smiled and shrugged. I got the distinct feeling he was enjoying the moment. He went on with his presentation, and for the rest of the time he was speaking, pie filling drooled down the wall behind him.

As a child of the ’60s and a member of the UC Berkeley class of 1965, I was reminded of the winter of 1964, when Mario Savio gave his famous “rage against the machine” speech on the steps of the campus administration building. When it began, the Free Speech Movement was about academic freedom, but it enlarged into demonstrations against the war in Vietnam and support for the civil rights and women’s

movements. A lot was achieved, especially in terms of environmental protection. But it was always about who controls the levers of “the machine,” as Savio called it. By 1998, however, the conservative backlash that was provoked by these protests was in full bloom. Private interests had successfully dismantled the regulatory system, invaded the ivy tower, and taken over the intellectual commons. The corporate executives and their academic beneficiaries who were there to celebrate the Novartis agreement clearly had nothing to fear — a fact that was neatly affirmed by Dean Rausser’s shrug.

The Novartis funding ended in 2003. By then, faculty and graduate students who were on both sides of the debate had gone their separate ways. Dr. Chapela stayed, and continued to teach at Berkeley. As 2003 drew to a close, he was up for a tenure appointment. Even though he’d garnered extraordinary support from faculty, students, and the public, his role in opposing corporate funding on campus apparently cost him his teaching career. After an unusually protracted process, the University denied him tenure. In 2004, a ten-person team at Michigan State University that had spent two years evaluating the Novartis-Berkeley agreement concluded that the deal was indeed “outside the mainstream for research contracts with industry” and that Berkeley’s relationship with Novartis created a conflict of interest in the administration that affected their tenure decision against Dr. Chapela.

Instead of applauding the bravery of scientists who question biotechnology, or at least encouraging further scientific inquiry, the industry and its cronies in the academic world denounced their critics. Dr. Chapela eventually won tenure, but a growing number of scientists are paying a high price for their integrity. Others have lost jobs, been discredited in the press, told to change research results or to repudiate their findings. And for each victim whose story is told publicly, there are others who have been silenced and cannot come forward. The implications of the trend toward the privatization of research and the repression of academic freedom go far beyond the question of where the funds come from and who decides what gets studied. It’s a trend that deeply undermines the public’s faith in science, and the result is that society will lose the means to adequately evaluate new technologies. It may also mean that we adopt a view of



Berberis Detail. Botanical drawing by Sigrid Frensen.

Trespass, in legal parlance, means “an unlawful act that causes injury to person or property.” It connotes an act of intrusion, usually by means of stealth, force, or violence. It also implies the right to allow or to refuse an intrusion. A trespass occurs when that right has been violated. Genetic engineering technology is a trespass on the public commons. This is because of the way transgenics are designed and the way “the molecular vision” has been pursued. This vision required that science be compromised to the point where it would overlook the complex boundary conditions that form the very foundation of life.

the natural world so mechanistic that we will not even recognize the threats we face.

If science were free to operate in the public interest, it could provide the intellectual framework for innovations that work with nature, instead of against it. There already are technologies that use natural solutions to heal the wounds of the industrial age, formulate sustainable food production and energy solutions, create new economic opportunities through the imaginative use of ecological design, and build local self-reliant communities that foster both cultural and biological survival. So we do have a choice of technologies, and nature remains abundantly generous with us. What we do not have, given the perilous environmental state of the planet, is a lot of time left to sort this out. And as long as the critics are silenced, we can be lulled by the “certain promises” of genetic engineering, that it will provide magic answers to those age-old problems of hunger and disease, and in doing so, be diverted from attending to its “uncertain perils.”

THE NATURE OF TRESPASS

Trespass, in legal parlance, means “an unlawful act that causes injury to person or property.” It connotes an act of intrusion, usually by means of stealth, force, or violence. It also implies the right to allow or to refuse an intrusion. A trespass occurs when that right has been violated. Genetic engineering technology is a trespass on the public commons. This is because of the way transgenics are designed and the way “the molecular vision”

has been pursued. This vision required that science be compromised to the point where it would overlook the complex boundary conditions that form the very foundation of life. It had to have the hubris to break the species barriers and place itself directly in the path of evolution, severing organisms from their hereditary lineage. And it requires the use of stealth and violence to invade the cell wall, and the implanting of transgenic life forms into an involuntary participant with organisms that are especially designed to overcome all resistance to this rude intrusion.

This trespass continues when ownership is forced on the newly created organisms in the form of a patent. The patenting of a life form was widely considered immoral, and until the U.S. Supreme Court approved the patenting of life in 1980, it was illegal. With that one decision, private interests were given the right to own every life form on earth. We clearly are, as former President Bush once declared, “the ownership society.” Now, when GMOs enter the borderless world of free trade and permeate every part of the web of life, they carry within them their owner’s mark and effectively privatize every organism they infiltrate. This is made all the more unacceptable because this expensive technology is so unnecessary. Most of what agricultural biotechnology sells, such as insect-resistant plants and weed-control strategies, is already available by other means. Traditional plant breeding can produce all these advances and more — including increased yield,

drought or salt resistance, and even nutritional enhancements. The whole point of the commercial use of the genetic engineering technology is the patents, and the social control they facilitate. The reason GMOs were inserted into crops is so that agrochemical companies could own the seed supply and control the means and methods of food production, and profit at each link in the food chain.

Genetic engineering is a manifestation — perhaps the ultimate manifestation — of the term “full spectrum dominance.” In this case, the dominance is achieved on multiple levels, first by exerting biological control over the organism itself, then by achieving economic control over the marketplace, and then through “perceptual” control over public opinion. GMOs are disguised to look just like their natural counterparts, and then are released into the environment and the human food chain through a matrix of control that identifies and disables every political, legal, educational, and economic barrier that could thwart their owners’ purpose. Arguably, this description suggests a more sinister level of intention than really exists. But the fact remains that denial of choice has been accomplished and it is crucial to this strategy’s success. As a Canadian GMO seed industry spokesperson, Dale Adolphe, put it: “It’s a hell of a thing to say that the way we win is we don’t give the consumer a choice, but that might be it.” Agricultural genetic engineering is dismantling our once deeply held common vision about how we feed ourselves, how we care for the land, water, and seeds that support us, and how we participate in decisions that affect us on the most intimate personal and most essential community levels. The ultimate irony of our ecological crisis, says David Loy, a professor and author of works on modern Western thought, is that “our collective project to secure ourselves is what threatens to destroy us.” But still, there are problems with making moral arguments like these. One is that we lack a practical system of public ethics — some set of common standards we can turn to for guidance. Another is that it does not address the most serious threat to our security, which is that no amount of science, fact, or even moral suasion is of any consequence when we are left with no options.

At the end of my inquiry I came to the conclusion that genetic engineering, at least as it is being used in agriculture is, by design, inherently invasive and unstable. It has been imposed on the American public in a way that has left us with no choice and no way to opt out, biologically or socially. Thus, the reality is that the evolutionary legacy of our lives, whether as human beings, bees, fish, or trees, has been disrupted. We are in danger of being severed from our own ancestral lines and diverted into another world altogether, the physical and social dimensions of which are still unknown and yet to be described. Ω

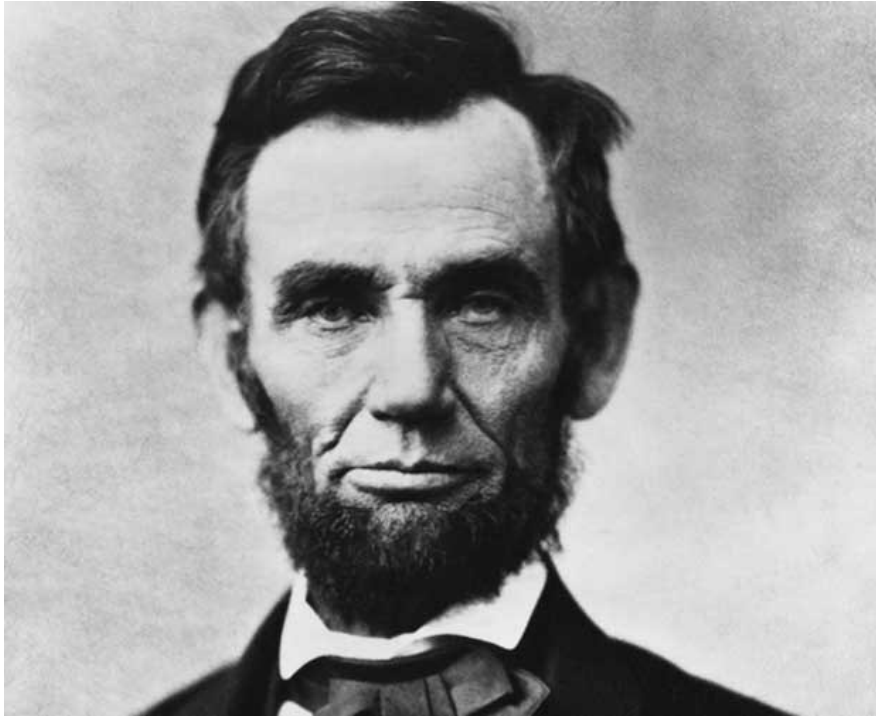
[Molecular biology] had to have the hubris to break the species barriers and place itself directly in the path of evolution, severing organisms from their hereditary lineage. ... Genetic engineering is a manifestation — perhaps the ultimate manifestation — of the term “full spectrum dominance.” In this case, the dominance is achieved on multiple levels, first by exerting biological control over the organism itself, then by achieving economic control over the marketplace and then through “perceptual” control over public opinion. GMOs are disguised to look just like their natural counterparts, and then are released into the environment and the human food chain through a matrix of control that identifies and disables every political, legal, educational, and economic barrier ...



Rose Hips Detail. Botanical drawing by Sigrid Frensen.

THE DAVIS enterprise

‘Lincoln’ illuminates our history even as it obscures it



By Desmond Jolly
February 17, 2013

By Desmond Jolly

Americans are a forward-looking people. Having chosen or been forcibly dislodged from their moorings, they can seem to float like flotsam on the sea of history, trusting optimistically that the direction of movement is forward. The risk, however, is that with such little knowledge of starting points, we find ourselves moving in circles, albeit in circles that may be wider in circumference.

The movie “Lincoln” uses the political maneuvering to pass the 13th Amendment to create an engaging drama with President Abraham Lincoln at its center. After seeing the movie, a colleague remarked that “it is a good projection of the myth of Lincoln.”

And, upon reflection, we had to agree that, in the main, it did not present a nuanced picture of Lincoln, and in doing so, does not fundamentally undermine Americans’ aversion to history,

particularly our own. We gravitate more to myth and romance captured in a few master narratives that serve as proxies for historical knowledge.

One master narrative is that of the “founding fathers,” in which a score of men, in a divinely inspired act of wisdom and selflessness, created something called “the Constitution,” which freed us from tyranny and guaranteed us our liberty. Another master narrative is that of “the nation of immigrants” which obscures the huge contradictions that accompanied, and were fundamental to, the settling of North America. There is no room in this master narrative for the capture and importation of millions of people or, for that matter, for the scores of Native American cultures that preceded this “nation of immigrants.”

In this context, “Lincoln” illuminates our history even as it obscures it. It sheds light on the Civil War period that interrogates and somewhat undermines the notion of the divine inspiration, selflessness and wisdom of the founding fathers’ master narrative. It obscures to the extent that it presents a fairly one-dimensional picture of President Lincoln.

But the reality of Lincoln is much more interesting than the “broad strokes” picture. Lincoln’s was a complex personality with many powerful contradictions. He did not come to the presidency as a selfless savior. He was an ambitious man who chose the law and politics as avenues to “make something of himself,” to become worthwhile in his and the eyes of others.

Though he eventually would be responsible for the Emancipation Proclamation that would outlaw the tyranny of slavery, he was not, at the outset, an abolitionist, although he was always opposed to slavery on moral grounds. Rather, he vigorously opposed the geographic spread of the slave system “from sea to shining sea.”

He preferred to assume that, confined to its then extent in the Old South, slavery would eventually and inexorably die out. Moreover, Lincoln felt that the founders had protected their investments and economic interests in the Constitution and that even as president, he would lack the constitutional authority to unilaterally abrogate the law. Moreover, he had stated clearly that though he opposed slavery, he did not believe in racial equality.

Lincoln’s road to the presidency was full of bumps, detours and disappointments. And, on that road he would keep encountering his nemesis — Stephen Douglas. Douglas was as ambitious as Lincoln, if much more opportunistic and callous. In “The Long Pursuit: Abraham Lincoln’s Thirty Year Struggle with Stephen Douglas for the Heart and Soul of America,” Roy Morris Jr., describes the decades-long political battle between Lincoln and Douglas.

They began as lawyers in Illinois and faced off early in a murder case, which Lincoln won. But their competition would continue in a variety of venues for the rest of their lives and, for a long time, Douglas seemed to get the best of Lincoln. Lincoln made several attempts at higher elected office. Most ended in failure and frustration. As Morris tells it, Lincoln conceded that his one term in Congress “had been a comprehensive failure.”

By contrast, Douglas was elected to the Senate and held office for a long time becoming known as “the Little Giant,” and using his bully pulpit to advocate on behalf of slavery and the

Democratic Party. Lincoln became a Republican in 1856 and continued his verbal and political duels with Douglas. Racism was flagrantly employed in political discourse. When John C. Fremont ran for national office, The Richmond Enquirer said the Republican slogan should be “free n——, free women, free land and Fremont.”

In this racially charged political context, Lincoln’s nomination for the presidential contest in 1860 was a shock. Douglas was nominated by Northern Democrats but ultimately was denied the presidency. Lincoln’s election success then was as shocking as Barack Obama’s was in 2008. In fact, it was so shocking that it precipitated the secession of the Southern states and prompted them to make a pre-emptive strike against the United States though Lincoln had reassured them he had no intention of interfering with their slave-dependent system.

Ironically, their war against the Union forced his hand and eventually made him do what he otherwise might not have done — free their captive labor force.

— *Desmond Jolly, a longtime Davis resident, is an emeritus agricultural economist at UC Davis and a lecturer for the Osher Lifelong Learning Institute.*

“America’s Best Political Newsletter.” *Out of Bounds Magazine*

counterpunch

Tells the Facts, Names the Names

January 18, 2012

BASF Sees the Light

GMO’s Move Out

by IGNACIO CHAPELA

This week BASF announced that it is moving its GMOs out of Europe. Will the English-speaking media lose its nerve and write about it? Based on past experience, my wager goes to the habitual policy of silence, and I expect that the news will continue all but unrecorded in English. Most of us will not celebrate as we should.

Other languages do comment and give a little more detail, albeit still briefly. In German, the word is printed [clearly](#): “BASF admits defeat”, while in [French](#): “The number one chemical concern in the world, the German BASF has announced on 16 January 2012 that it gives up the development and marketing of new transgenic products intended for the European Union.”

Clearly put: one of the largest among the few who banked on the GMO route to do agriculture is giving up in its own home turf, defeated by public opposition to its products which evidently do not live up to expectations.

You will find some records in the business websites, mostly deploring the European hostility towards GMOs, the loss of jobs (about 150-170 in Europe, although many are relocated to North Carolina, for an overall loss of about 10 jobs altogether) and repeating again the idea that rejecting GMOs in the environment is tantamount to committing economic suicide and “rejecting the future” as if this was possible.

I say that the future holds very little promise for GMOs altogether, and BASF is only the first to have the capacity to recognize the thirty years of bad investments. They can afford this move, which is not [unannounced](#) and forms part of a year-long reconfiguration of the company to navigate tighter economic straits ahead, because they are diversified and have strengths in other fields. Monsanto and Syngenta, for comparative example, have stood in complete dependency of GMOs since their mothership companies shed them off to swim or sink on transgenic markets twelve years ago; Bayer and Dow stand somewhere in between. Where Monsanto’s stock would have floundered if they announced they were closing GMO R & D in St Louis, Missouri, BASF’s stock hardly budged on the equivalent news (it actually ticked upwards in the Frankfurt exchange) – the timing of the news release may well have been a token of deference to BASF’s

partner Monsanto, protecting the latter's stock from the shock on a day when the US stock markets are closed.

The reasons for the failure of BASF's products in Europe are many and very diverse, but the fundamental truth stands that over the decades no real benefit has offset the proven harm caused by GMOs. It is fine to blame "the European public", but we know that this public is no better or worse than our own in the US or anywhere else – had there been a GMO equivalent of the iPad, masses would have thronged the streets of Europe clamoring for their use. But it may be just as true that BASF would continue to push GMOs into Europe were it not for the tireless and creative work of many hundreds of thousands, the kinds of numbers needed these days to make a self-evident point which counters accepted official policy. So I say to our European friends: embrace the credit that is hurled at you and loudly celebrate what will not be announced as your victory in the newspapers.

We are left in desolate America, though, land of government by Monsanto, where BASF is relocating its GMO headquarters (some specialty technical BASF outfits remain in Ghent and Berlin). In the North it is impossible to know where the nearest non-GMO plant may be, while in the South and in Mexico the tragedy of GMO soy- and corn-agriculture continues apace, driven by corrupt or willfully ignorant governments and against public opinion much stronger and much more vocal than what we have seen in Europe. Far from recognizing the failure of GMOs altogether, something that should have happened at least a decade ago, BASF identifies the opportunities offered by the brutal realities of the Third World, opportunities which are better capitalized with the centralization, mechanization and property-rights enforcement possible only through GMOs. As we celebrate the lifting of perhaps one third of the pressure upon Europe to give in to GMOs, let's not forget those places where they will continue to be used as the effective spear-head of corporate biological mining of other lands.

Ignacio Chapela is Associate Professor of Microbial Ecology at the University of California, Berkeley. He is also a Senior Researcher at GenØk, the National Center for Biosafety, Norway.



Will Monsanto destroy Mexico's corn?

Introducing GE corn to Mexico would sound the death knell for the country's precious ecology, argues author.

By Charlotte Silver, December 14, 2012



In 2007, Mexico's Chambers and Congress passed the "Law of Seeds" that prohibits farmers from trading or selling seeds they had cultivated [EPA]

Felipe Calderon, the president of Mexico until the start of this month, has already relocated to his Cambridge, Massachusetts, home to fulfill his [year-long fellowship at Harvard's Kennedy School of Government](#). On the way out of his country, he left the door open for multinational biotech companies, including Monsanto, DuPont and Dow Chemicals, that are on the prowl for new land to plant their genetically engineered crops after being [all but booted from the European markets](#).

When GE corn was introduced in the mid-90s, Mexico was inhospitable to the new-fangled crop. The country's National Biosecurity Commission established a (non-legally binding) moratorium on genetically engineered corn in 1998 as a means to safeguard what is considered to be the planet's cradle of maize cultivation.

Corn has been carefully tended in Mexico for eight millennia and environmental conservationists report that thousands of peasant varieties are still grown throughout the country. With an estimated [75 per cent of the planet's biodiversity vanished](#) as of 1995, Mexico's heterogeneous

corn fields are a rare vestige of the age prior to the "Green Revolution" era that is responsible for the artificially and unhealthily homogenous industrial agriculture that is prevalent now.

Introducing GE corn to Mexico would sound the death knell for this precious ecology as it is widely agreed that GE crops cannot co-exist with conventionally bred seeds.

Traces of GE in corn

Despite institutional protections against GE corn, neoliberal policies have already enabled certain strains of GE corn to intermingle with Mexican maize, a fact that was discovered in 2001 by UC Berkeley Professor, Ignacio Chapela.

Thousands of tonnes of corn that began inundating Mexico from, primarily, the US (mostly for non-human consumption) after the signing of NAFTA in 1994 ensured that the [promiscuous plant's pollen blew](#) onto the pristine fields of small farms. As of today, it is estimated that at least one per cent of Mexico's corn has traces of GE.

But perhaps of more immediate threat to the magnificent biodiversity of Mexico's maize is the country's politicians' willingness to succumb to the pressure of big biotech companies. Over his past six years in office, Calderon has overseen the whittling away of the above-mentioned safeguards.

In [2007](#), Mexico's Chambers and Congress passed the "Law of Seeds" that prohibits farmers from trading or selling seeds they had cultivated. And two months after Calderon met with the president of Monsanto, Hugh Grant, at the annual World Economic Forum in Davos, Switzerland, in January 2009, he lifted the 1998 moratorium on GE corn. This triggered a flood of applications for permits - the first of which came from Monsanto - to begin planting genetically modified maize.

And, earlier [this year](#), Mexican legislators came close to passing a bill that would modify the Federal Law on Plant Varieties which would promote privatising patents of certain breeds of plants.

Comparable to how the enclosure acts in England created a landless working class, this legislation in Mexico would create a class of seedless farmers, planting the "property" (seeds) of transnational corporations that have monopolised the market for maize seeds. Thus, what is now controlled by the country's farmers would become the private property of corporations.

However, Mexican farmers, small and large, responded to the proposed bill with forceful opposition, knowing full well the devastation that mono-cropping with bioengineered seeds would have on them - the examples provided by South and East Asia doubtless providing a stark warning.

Veronica Villa, from the Colonia Insurgentes Mixcoac in Mexico City, explained to me that both commercial farmers of maize in the North and small indigenous farmers in the South (whose

agricultural fields remain largely collective property and are used primarily to feed themselves) both fear the onslaught of GE corn.

Those in the North fear the high costs and debts associated with transgenic corn, while the farmers in the South are the primary protectors of thousands of ancient varieties.

Ecological destruction

On the eve of elections, in a small but important victory, the highly unpopular bill was not presented to Congress, and the grassroots agricultural movement succeeded in keeping their own demise at bay for that moment. However, the bill is still pending and will likely be floated before Congress at a more politically opportune time.

Also still [pending approval are requests](#) by Monsanto and DuPont to plant 2,500,000 hectares of GM corn, which would signal a watershed in the agricultural landscape of Mexico. While Calderon left office before granting his blessing on the arrangement, all signs indicate that new President of Mexico, Enrique Pena Nieto, will be happy to put his imprimatur on the sweetheart deal for Big Biotech.

Mexico's deputy agriculture secretary, Mariano Ruiz, [told the press](#) that the new president supported the introduction of large-scale GMO corn cultivation, saying, "I think we are in agreement generally over the importance of having this instrument, and that farmers have the tool of genetically modified organisms".

Of course, farmers have all the tools they need without the meddling of chemical companies. While [biotech companies](#) have tried to float their products as being necessary in an era of climate-change, [empirical studies](#) have shown that the best defence for corn-farmers is diversity.

Doug Gurian-Sherman, Senior Scientist with the Union for Concerned Scientists, warns of the far-reaching impact that supplanting Mexico's diverse maize plants with an industrial model could have. "Their diverse seeds contains many important traits like drought tolerance and pest resistance that we need going forward. If we lose them, we're going reduce our ability to respond to climate change and other threats to maize."

Meanwhile, as Monsanto burrows into Mexico's cornfields, the biotech giant digs its rapacious claws further into the US - its single largest source of profits. The US Congress is expected to pass the FY 2013 Agriculture Appropriations Bill with the disturbingly anti-democratic "[Monsanto-rider](#)" embedded in the 90-page agreement, which would require the Secretary of Agriculture to override any federal court injunction on a GE crop and grant it a temporary permit.

As long as politicians do not stand up for the health of their citizens or their land, biotech companies will reap profits in the grim wake of human and ecological destruction.

Charlotte Silver is a journalist based in San Francisco and the West Bank. She is a graduate of Stanford University.

October 2, 2012

That Flawed Stanford Study

By MARK BITTMAN

I tried to ignore the month-old “[Stanford study](#).” I really did. It made so little sense that I thought it would have little impact.

That was dumb of me, and I’m sorry.

The study, [which suggested](#) — incredibly — that there is no “strong evidence that organic foods are significantly more nutritious than conventional foods,” caused as great an uproar as anything that has happened, food-wise, this year. (By comparison, the Alzheimer’s/diabetes link [I wrote about last week](#) was ignored.)

That’s because headlines (and, of course, tweets) matter. The Stanford study was not only an exercise in misdirection, it was a headline generator. By providing “useful” and “counterintuitive” information about organic food, it played right into the hands of the news hungry while conveniently obscuring important features of organic agriculture.

If I may play with metaphor for a moment, the study was like declaring guns no more dangerous than baseball bats when it comes to blunt-object head injuries. It was the equivalent of comparing milk and Elmer’s glue on the basis of whiteness. It did, in short, miss the point. Even Crystal Smith-Spangler, a Stanford co-author, perfectly captured the narrowness of the study when [she said](#): “some believe that organic food is always healthier and more nutritious. We were a little surprised that we didn’t find that.” That’s because they didn’t look — or even worse, they ignored.

In fact, the Stanford study — actually a meta-study, an analysis of more than 200 existing studies — does say that “consumption of organic foods may reduce exposure to pesticide residues and antibiotic-resistant bacteria.”

Since that’s largely why people eat organic foods, what’s the big deal? Especially if we refer to common definitions of “nutritious” and point out that, in general, nutritious food promotes health and good condition. How can something that reduces your exposure to pesticides and antibiotic-resistant bacteria not be “more nutritious” than food that doesn’t?

Because the study narrowly defines “nutritious” as containing more vitamins. Dr. Dena Bravata, the study’s senior author, conceded that there are other reasons why people opt for organic (the aforementioned pesticides and bacteria chief among them) [but said that](#) if the decision between buying organic or conventional food were based on nutrients, “there is not robust evidence to

choose one or the other.” By which standard you can claim that, based on nutrients, Frosted Flakes are a better choice than an apple.

But they’re not. And overlooking these key factors allows the authors to imply that there isn’t “robust” evidence to choose organic food over conventional. (Which for many people there is.) Under the convenient cover of helping consumers make informed choices, the study constructed a set of criteria that would easily allow them to cut “organic” down to size.

Suspect conclusions derived from suspect studies are increasingly common. In the last couple of weeks: [having a poor sense of smell might be linked to being a psychopath](#). [People who read food labels are thinner](#). [G.M.O.’s give rats tumors](#). (That one in particular violated many rules of both science and ethics.) Usually these “revelations” are of little more than passing interest, but they can sometimes be downright destructive. Susan Clark, the executive director of the [Columbia Foundation](#), summed up the flaws of the Stanford approach perfectly in a letter to her colleagues:

“The researchers started with a narrow set of assumptions and arrived at entirely predictable conclusions. Stanford should be ashamed of the lack of expertise about food and farming among the researchers, a low level of academic rigor in the study, its biased conclusions, and lack of transparency about the industry ties of the major researchers on the study. Normally we busy people would simply ignore another useless academic study, but this study was so aggressively spun by the PR masters that it requires a response.”

When Clark says “aggressively spun by the PR masters,” this is what she means: a Google search for “Stanford Annals of Internal Medicine” gave me these six results in the top seven:

- [Stanford Scientists Cast Doubt on Advantages of Organic Meat and Produce](#) (The New York Times)
- [Why Organic Food May Not Be Healthier for You](#) (NPR)
- [Organic food no more nutritious than non-organic, study finds](#) (MSNBC)
- [Organic Food Is No Healthier Than Conventional Food](#) (U.S. News and World Report)
- [Study Questions How Much Better Organic Food Is](#) (Google via A.P.)
- [Save Your Cash? Organic Food Is Not Healthier: Stanford U.](#) (New York Daily News)

Yet even within its narrow framework it appears the Stanford study was incorrect. Last year Kirsten Brandt, a researcher from Newcastle University, published a similar analysis of existing studies and wound up with the opposite result, concluding that organic foods are actually more nutritious. In combing through the Stanford study [she’s not only noticed](#) a critical error in properly identifying a class of nutrients, a spelling error indicative of biochemical incompetence (or at least an egregious oversight) that skewed one important result, but also that the researchers curiously excluded evaluating many nutrients that she found to be considerably higher in organic foods.

Even the Web site of Stanford’s Freeman Spogli Institute for International Studies (which supported the research) features an article right above that about the new study that says [“study confirms value of organic farming”](#) and details how conventional agriculture is much more likely

to contaminate drinking water with nitrates, which “can cause serious illness in humans, particularly small children.” What’s healthy and nutritious again?

Like too many studies, the Stanford study dangerously isolates a finding from its larger context. It significantly plays down the disparity in pesticides ([read Tom Philpott on this](#)) and neglects to mention that [10,000 to 20,000 United States agricultural workers](#) get a pesticide-poisoning diagnosis each year. And while the study concedes that “the risk for isolating bacteria resistant to three or more antibiotics was 33 percent higher among conventional chicken and pork than organic alternatives,” it apparently didn’t seek to explore how [consuming antibiotic-resistant bacteria](#) might be considered “non-nutritious.” Finally (I think) it turns out that [Cargill \(the largest privately held company in the United States\) provides major financing](#) for Freeman Spogli, and that’s inspired a [petition to retract the findings](#).

That the authors of the study chose to focus on a trivial aspect of the organic versus conventional comparison is regrettable. That they published a study that would so obviously be construed as a blanket knock against organic agriculture is willfully misleading and dangerous. That so many leading news agencies fall for this stuff is scary.

Clark is right: this junk science deserves a response. Ignoring it isn’t enough. I apologize.

Consultants want to find niche market for California agriculture: State's schools

By Cathie Anderson

Tuesday, Oct. 9, 2012

Los Angeles schools serve something like 500,000 meals a day, Ann M. Evans told me, so if they put a California fruit or vegetable on their menu, it can be a game changer for state farmers.

Evans has long promoted the use of fresh, seasonal ingredients not just in schools but everywhere – homes, **state parks**, hospitals, you name it.

You may know Evans as a co-founder of the Davis Food Co-op or as the city's former mayor. Perhaps you met her Friday when the College of Agricultural and **Environmental Sciences** at the **University of California**, Davis, named her 2012's outstanding alumnus.

Or, maybe you're a school food service director in Los Angeles, Davis or elsewhere who's attended a **cooking class** with Evans and her business partner, James Beard award winner Georgeanne Brennan.

Their firm, Evans & Brennan, has been focusing lately on trying to crack open a niche market for California agriculture: California schools.

"We work with school districts ... interested in serving more fresh food and locally sourced food," Evans said. "... We can do policy and we can do programs, but one of the things we can also do is help them source the food, find farmers."

The two consultants will play a critical role in developing a farm-to-school program for all five districts in **Yolo County**, where **John Young** is the state's only county agricultural commissioner leading such an effort. He meets regularly with food service directors.

Last week, they all learned **Yolo County** would receive a \$400,000 grant from the **California Department of Food and Agriculture** to find ways to increase school purchases of fruits, nuts and other specialty crops.

One slippery niche

California produced 870,000 gallons of olive oil in 2009, so Berkeley's Center for Ecoliteracy asked just how much California olive oil was used in six school districts known for improving school food.

The center put Georgeanne Brennan and Ann M. Evans on the case, and the results astonished even food service directors when Evans recently shared them. It was 25 gallons.

The six districts serve 12 percent of state students.

Brennan and Evans found only slightly better results when they looked at 11 other California-grown crops as part of the inquiry for the Center for Ecoliteracy.

"One of our goals is just to be able to get more fresh food and then to encourage school districts to be cooking it," said **Michael Stone**, the senior editor for the center. "What a lot of them have come to do in the last decades is to buy it pre-processed and just thaw it and reheat it."

Ecoliteracy had Brennan and Evans create a cookbook sharing their ideas. Released last year, it's already been downloaded more than 30,000 times from www.ecoliteracy.org.

A farmer for all seasons

As **Yolo County** Ag Commissioner **John Young** looked for ways to expand school purchases of fresh produce, he knew that he'd have to find a farmer willing to take a risk.

Fortunately, Capay Organic's Thaddeus Barsotti, aware of childhood obesity rates, saw it as risk for the right reasons.

As part of a Harvest of the Month program, Barsotti agreed to help ensure that every student in **Yolo County** schools and programs would receive education about seasonal produce, where it comes from and how it tastes. Districts buy the produce from Capay Organic, but the payment doesn't cover all the costs.

"Kids don't want to eat mainly apples," said Barbara Archer, communications manager at Capay Organic. "If they get a crisp red pepper that was harvested at the farm just a couple days ago, ... that tastes good to them."

If other districts implement the program, the profit-loss scales would shift. A study by EcoTrust in Portland, Ore., found that for every \$1 that two districts there spent locally on food, an additional 86 cents entered the local economy.

SFGate

Davis Farmers' Market helped movement grow

By Tara Duggan

Friday, January 18, 2013



High-quality vendors mark the Davis market. Photo: Stephanie Wright Hession

Davis -- The Davis Farmers' Market, like the city itself, has a distinct identity from its bigger neighbor in Sacramento. Yet the college town's proximity to the state capital is one of the reasons its market has been one of the most influential in California.

When a small band of UC students and soon-to-be farmers founded the Davis Farmers' Market in 1976, San Francisco's Alemany market was one of the only other farmers' markets in the state. The group of young agriculture activists wanted a better connection to the farms that surrounded Davis.

Some, including market co-founder and former Davis Mayor Ann M. Evans, went to work with Gov. Jerry Brown, then in his first term, to loosen regulations so that farmers could sell directly to consumers, which in essence launched the modern farmers' market movement.

"It wasn't just limited to the one market. It went on to reverberate, and many of us went on to make a difference statewide," says Evans, who also co-authored "The Davis Farmers Market Cookbook" with Chronicle contributor Georgeanne Brennan.

Located in the center of Davis, the market has a wholesome feel, full of smiling babies and probably more bike parking than car parking. It's surrounded by a large, grassy park and covered by a permanent awning, both of which were added as the market grew.

It's a midsize market, yet the selection of vendors reflects the high quality of Yolo County farms, especially in nearby Capay Valley. Many of the Davis market's early vendors, such as Full Belly Farm, have gone on to become the stars of San Francisco's Ferry Plaza Farmers Market, founded in 1993.

Annie and Jeff Main were UC Davis students when they got involved with a group, along with Evans, that formed the Davis Food Co-op and volunteered to help start the farmers' market.

"It's the '70s, you were in college, you wanted to change the world, and the world was changing at that time dramatically," Annie Main says. "I remember going around Yolo County knocking on farmers' doors, asking if they wanted to be part of it."

Soon after graduation, the Mains and two other couples started the Good Humus Farm in Woodland, an early organic farm.

In 1980, Brennan started a seed company called Le Marche, bringing seeds from France and Italy for then-unknown crops like arugula, radicchio and lacinato kale. Yolo County farmers tried out these new specialty vegetables and helped popularize them at the market.

Annie Main, along with several other original farmers, still sells at the Davis Farmers' Market each Saturday. She sees today's locavore movement as a continuation of what she and fellow Davis students were fired up about in the 1970s.

"It's all been building on the changes that started then," Main says.

Davis Farmers Market, 8 a.m.-1 p.m. Saturdays year-round and Wednesdays, with hours that vary by season, currently 2-6 p.m. through March 13; Davis Central Park, C Street, between Fourth and Fifth streets; (530) 756-1695. www.davisfarmersmarket.org.

Rhythms of rural life should be part of school calendar

By David Mas Masumoto
Special to The Bee
Sunday, August 26, 2012

The start of school from the 1960s: waiting for the bus on a hot September morning, a cloud of dust kicked up as the yellow bus pulls into our farm driveway. Us kids were both excited and depressed that summer was over. But sometimes the bus was late, a week or two late. It all depended on the raisin harvest.

For generations until the 1970s, rural school districts in the raisin-growing areas surrounding Fresno scheduled the start of school based on when the raisin crop would be picked. School administrators conferred with local farmers about the ripening grapes. Typically school began after the Labor Day holiday, but it could be delayed by weeks. For us farm kids and farmworker families, it was a bittersweet time; postponed school allowed for more vacation, but it also meant work out in the fields.

Why did raisins have such a huge impact? They were the major agricultural commodity grown in these small farm communities. They provided a huge economic benefit, both in wages and profits. In our communities, a raisin culture was married to family and community life, especially during harvest, which involved tens of thousands of farmers, farmworkers and their families.

It begins with how a grape becomes a raisin. During the end of August and in September, grapes sweeten and are picked. It's an extremely short and intense three- to four-week period, with thousands of hands required to get the crop in.

Up to a few years ago, all the harvest work was done by hand. First, paper trays (before the 1950s, wooden trays were used) measuring about 2 feet wide and 3 feet long are laid on the freshly disced and scraped-smooth, dry, parched earth between the grape rows. Workers pick green grapes and spread them on the trays. Over the next four weeks, the grapes begin to cure and dry, gradually becoming sweet, dark raisins, naturally sun-dried.

Farmers rush to pick; the longer you wait, the more exposed you are to late-summer rains. It's a race to get the crop down on the ground – and many, many hands are required. One acre of grapes will bear about 2 tons of raisins, or about 1,000 trays. Farmers worry over every dark cloud in the sky. The entire crop is exposed and vulnerable.

A generation ago, school-age youths were employed. Some were farm kids; we had no choice but to work. If we were lucky, we even got some pay.

For many of my farmworker classmates, they also didn't have a choice. Families needed the kids out in the fields; hard, hard work for low pay, but it was a job.

Farmworker families were faced with a difficult decision: allow kids to go to school or miss hundreds or thousands of dollars in lost wages. Or, schools could delay their start. Back then, rural communities were connected with agricultural rhythms and the economic demands facing both farmers and workers.

Of course, laws have changed since then. Children under 14 are not allowed to work in the fields. From 14 to 18, work permits must be issued and only with a special exemption can school be missed. These regulations were justified; for decades, children were abused and forced to do adult labor. Note: children of farmers are exempt from many of these regulations, a contradiction my own kids sometimes point out.

However, while growing up on the farm, I also witnessed many farmworker families pooling their labor; picking grapes could be done efficiently by family members of all ages. Often the parents picked while children spread the grapes. A family unit could make good money in a day, much more than minimum wages for just the parents. The meaning of work was brutally taught and a work ethic was instilled; sometimes lessons were learned, others formulated a drive to get out of the fields, often through education.

Historically, education had an embedded ruralness. In the 1800s, schools were often open from December to March and then mid-May to August. Children stayed home during spring planting and fall harvest times. Long summer vacations were more of an invention of an urbanized nation; hot summer weather led to escaping the heat with family outings.

I advocate for a sense of place to be part of the new standards of education, especially in rural areas where schools play a fundamental role in framing lives. We lose something when schools are disconnected from where families live and work.

I do not advocate for children returning to the fields, but I do hope rural rhythms are part of a school calendar. A Valley farm community should feel and function differently than a big-city school district.

It's foolish to want the start of school delayed according to the crops. But I believe in a placed education: the structure of public education remains in and with the local community. It's a personal linkage that does incorporate the uniqueness of where our youths are educated. Especially in rural areas, place should make a difference.

I advocate for a sense of place to be part of the new standards of education, especially in rural areas where schools play a fundamental role in framing lives.

Viewpoints: 'Lunch ladies' are on the front lines of teaching children good nutrition

By David Mas Masumoto

Special to The Bee

Sunday, October 28, 2012



I want to honor the hands that feed our kids, especially those hands that prepare school meals.

At many California schools, there's a return to the ritual of preparing and cooking. It's a quiet revolution that began years ago with the banning of junk food and sodas. Schools now work to serve something real instead of processed or prepackaged, hoping to revive the tradition of preparing meals for our children. And it's making our children healthy.

Don't underestimate the impact of school meals. Imagine changing the menu of your city's largest restaurant that serves thousands every day. That's the typical school lunch and breakfast program – and in some cases even supper. For example, 45,000 school meals are served daily in the Sacramento City Unified School District and 55,000 in Fresno Unified.

In many cases, schools provide the only solid and nutritious daily meal a child may receive. Today, there's a growing movement afoot: Those hands that prepare the food are instilling an old but now new attitude that the things you eat can make you healthy.

Part of a national USDA program, the Healthy, Hunger-Free Kids Act reforms school meals, instilling new nutrition standards and funding. The program provides new guidelines for increased consumption of fruits and vegetables; lowering sodium, saturated fat and calorie limits; adding more whole grain foods; and serving only fat free or low fat milk.

Some have grumbled as kids are forced to change eating habits. Students have protested over lower calorie standards and claim "they are starving." But it's the larger picture I'm interested in.

When it works, school food service programs are creating a memory. Gone are the nightmares of school lunches from decades ago with awful canned beets and green beans, or mystery meat shepherd's pies. Today, eating is not a passive act of cramming what looks like food into your mouth to keep your stomach filled. At an early school age, children can begin to connect the dots between making good food choices and health. This becomes an educational lesson: Children learn that they can control their own well-being.

It's as simple as adding a salad bar at a school cafeteria: Students have the option to choose between various fruits and vegetables. It can transform a generation and its eating habits.

School meals help train future decision-makers. Eating is an agricultural act because it's about real food. It involves choices and judgments. When children equate food with health, they become partners with good farmers who care.

I witnessed kindergarteners pause at lunch to decide between a green salad, cucumbers, garbanzo beans or a small plum. Little did they know they were beginning to make fundamental decisions that they will live with for their entire life. Children will begin to create an array of good food experiences, healthy alternatives that become gems in the pile of junk food that typically permeates the world of youth.

As a farmer, I'm overjoyed to see children pay attention to their food. Nutritious food can excite the senses as children explore a sensory relationship with the world. School meals can become the training ground that empowers a generation to see the food world differently: It redefines what is good food and that it comes from farms and ranches. A new agriculture embodies the marriage between good health and good food, something adults have embraced. Why not our children too? Meaning matters, even with food.

I want children to mature into active eaters, not passive consumers. My greatest fear is that a generation grows up and doesn't know what great tasting foods are like. If it never had something great, how does it know what it's missing?

In a similar way, if kids never eat healthy, how do they know what they're missing? If they grow up with lousy diets, are out of shape and overweight, they may never know what a healthy body feels like. They may never know what good health means; and then, how do they know what they're missing? Healthy diets can lead to healthy bodies and a health consciousness.

School food workers are the caregivers for this generation. However, like many caregivers, they are underappreciated. They work quietly, field complaints and hear few compliments. They are invisible because like educators, their impact can't be directly measured by dollars and cents. And there are no API test scores for healthy kids. Too often the world ignores the work of caregivers.

Yet they are skilled as financial wizards, making due with a lunch budget under \$3 or less per meal. They manage thousands of meals a day for perhaps some of the pickiest eaters in the nation. For the most part, school food workers are not paid well. They work in teams, mostly

women, and labor behind counters and in antiquated kitchens as their craft is squeezed into shorter and shorter lunch hours. Welcome to the world of "lunch ladies" who feed our children.

Still they inspire. As a parent, as a farmer, and as someone who hopes for a healthy future, I thank them.

Viewpoints: In immigration debate, labels demonize and dehumanize

By David Mas Masumoto
Special to the Bee
Sunday, February 10, 2013



David Mas Masumoto is an organic peach, nectarine and raisin farmer near Fresno and award-winning author of books including "Epitaph for a Peach" and "Wisdom of the Last Farmer."

I want to see the faces behind the national debate on immigration reform. I want to hear the voices of those who are dramatically affected by the talk of others. I want to feel the hands and acknowledge the strong backs of those who work in the darkness of our nation's fields, hotels, restaurants and construction sites.

The national immigration debate lacks compassion as we struggle defining the character of these millions. How we label "them" will determine if they belong here and are part of America.

Aliens. Illegals. So long as we limit our language to these terms, we deny the humanity of millions. Undocumented. Unauthorized. Pick your terms wisely, your decision will determine how you frame the debate.

Imagine if, instead of politicians, we employed wordsmiths – those who work with words daily – to help guide us in discussing immigration reform. Imagine if we used a poem to begin each debate session. Our own type of blessing.

Everyday we get more illegal

Yet the peach tree still rises & falls

Husband deported with the son

The wife & the daughter who married a citizen

They stay behind broken slashed unpowdered

In the apartment to deal out the day & the puzzles

Another law then another

– Juan Felipe Herrera

We choose the words that define the discussion. If we begin with the term aliens and illegals, then the public policy is fairly straightforward. "They" don't belong here and should be deported. "They" broke the law. There is no debate, no dialogue.

I once saw a cartoon depicting Native Americans watching the Pilgrims arrive, the caption read, "We're being invaded by illegals."

The word aliens can overshadow other terms that are just as valid. Worker. Steady hand. Helper. Laborer. Illegal provides us the cover to ignore the words we could very well use. Parent. Child. Neighbor. Friend.

My grandparents came from Japan a century ago. They were classified as aliens. They were here legitimately, but at times, that meant little. They were barred by California's racist Alien Land Laws which specifically targeted Asians and prevented my grandparents from owning land. They were legal enough to work in the fields and be a second-class citizen without the right to own land.

This eventually led to court cases: Who is considered an "Asian"? For example, at the same time in California, Armenians were immigrating to the rich farmland of our Valley. Were they from the Eurasia – and considered more Asian than European?

The courts ruled and legal terminology was imposed: Armenians were defined as "white Asians" and could own land. Language defined your identity and place in America.

*I saw almond orchards, plums,
and raisins spread out on paper trays,
and acres of Mendota cotton my mother picked as a child.
I wanted my own history – not the earth's,
nor the history of blood, nor of memory,
and not the job founded for me at Galdini Sausage*

– David Dominguez

I want to impose a history on the immigration debate, one that defines immigrants as people. Typically, politics has a way of dehumanizing immigrants.

I can hear the slogans of the past. A nativist movement in the 1850s targeted German and Irish Catholics, calling these new immigrants "white Negros," depicting them as subhuman. "Yellow Peril" was used by the Hearst newspapers to drum up anti-Asian immigration policies in the

early 1900s. Zoot suit riots in the 1940s pitted whites against Mexican Americans in Los Angeles and claims that Chicano youths were overly flamboyant and disloyal to wartime sacrifices – clothes defined who was a patriot and American.

What's missing are the real voices of those most affected: the immigrants. Their real experiences are buried behind the term aliens. How can they come forward and step into the light when already defined as illegal?

We can humanize the debate with personal stories and a historical perspective. The public has too often demonized immigrants, stripped them of voices, pushing them into the shadows.

What do immigrants want? I believe they simply want to belong. But they can't control the language that defines them.

So how do "we" label "them"? By claiming they are unauthorized immigrants levels the playing field. It properly reframes the debate: this is a question about granting the authority to reform immigration policies.

To say, 'let me in from the cold'

To touch another hand and see the cracks

of its own worth

– Marisol Baca

The process of becoming American is never easy. That's why we value it so much. I hope we recognize this is not like a trade tariff debate nor is it a judgment of moral character. We are talking about humans and the immigrant experience that the vast majority of us carry in the baggage of our own family histories.

This all explains precisely why this is so emotional. And why the language of poetry belongs in this debate.

Thanks to the following poets for their words: Juan Felipe Herrera, professor at UC Riverside, California Poet Laureate; David Dominguez, faculty, Reedley College; Marisol Baca, faculty, Fresno City College.