



UPDATE

Newsletter of the League of Women Voters of Los Alamos

League of Women Voters of Los Alamos

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Calendar

- October 13 Constitutional Amendments Consensus Meeting, 6 Mariposa Ct., 7 p.m.
- October 20 Lunch with a Leader, Robert Gibson, Future Energy Resources Committee, Mesa Public Library, 11:45 a.m.
- October 22 Board Meeting, Mesa Public Library, noon
- November 14 LWVNM Board Meeting, Mesa Library, 11 a.m.

Lunch with a Leader October 20

This month's LWV will feature Robert Gibson along with Kathy Taylor, Ed Birnbaum and Don Machen discussing the Future Energy Resources Committee's findings. It will be held on October 20 at 11:45 at Mesa Library. Gibson has been a Los Alamos resident since 1979. He is a retired LANL applied physicist and a former member of the County Council and Board of Public Utilities (BPU). His LANL work focused on high-powered lasers for thermonuclear fusion energy. He founded and coordinated the ad hoc Energy Independent Los Alamos group a decade ago and was chair of the BPU's Future Energy Resources (FER) Committee.

Gibson will summarize LA County's energy use, energy supplies, and carbon emissions and then outline the recent study and recommendations of the FER Committee on paths toward LA Utilities' goal "to be a carbon-neutral electrical provider by 2040."

Karyl Ann Armbruster

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Constitutional Amendment Consensus Meeting

As explained in the September Update, our League is participating in the LWVUS study of constitutional amendments. The members of our local committee, Dave North, Akkana Peck, Rebecca Shankland, and Kathy Taylor, have read the materials and written pros and cons for each of the questions. We will meet from 7 to 9 p.m. on Tuesday, October 13, at 6 Mariposa Court in White Rock to discuss the questions and decide how to respond to them. All League members are invited to participate.

Here are the questions with the pros and cons. Please bring them with you to the meeting. The reading materials from LWVUS may be downloaded from <http://forum.lwv.org/category/member-resources/our-work/constitutional-amendment-study>

Constitutional Amendment Consensus Questions

The questions in Part I are to develop guidelines for evaluating constitutional amendment proposals. Part II asks about aspects of an Article V Constitutional Convention that may be important in conducting such a convention. Part III asks two overall balancing questions between process and positions.

Part I – Considerations for Evaluating Constitutional Amendment Proposals

- 1. Which of these should or should not be a consideration in identifying an appropriate and well-crafted amendment?**
 - a) Whether the public policy objective addresses matters of such acute and abiding importance that the fundamental charter of our nation must be changed.**

Comment: The issue here is whether the League should consider supporting proposed amendments based on their addressing fundamental issues or based on their having popular support. (Some amendments to consider would be abolition of slavery, ERA, flag-burning, prohibition, balanced budget, money in politics.)

PRO: The Constitution provides stability to our system of government and should be amended in order to address extreme problems or long-term needs.

CON: If public sentiment is overwhelmingly in favor of change, amendments to the Constitution are appropriate regardless of whether the matters are of acute and abiding importance.

___Should ___Should not ___No
consensus

- b) Whether the amendment as written would be effective in achieving its policy objective.**

PRO: Amendments that may be unenforceable, miss the objective, or have unintended consequences will not work to achieve the policy objective.

CON: It's all right to deliberately put something in the Constitution that will need to be interpreted by courts and legislatures over time.

Comment: Between these two extremes, there may be shades of gray. Is it possible to decide without knowing the wording of the proposed amendment? Or do we wish to push for PRO or CON? (Consider that many amendments, such as the First's freedom of speech and the Second's right to bear arms have been "interpreted" extensively.)

Should Should not No consensus

c) Whether the amendment would either make our political system more democratic or protect individual rights.

PRO: Has curb appeal.

CON: Doesn't stand up to inspection. For a controversial example, the League may wish to someday support an amendment to restrict the right to bear arms. More mainstream possibilities include considering an amendment to restrict the rights of persons who wish to make huge contributions to political parties or candidates, or to restrict the right of a corporation to enjoy all the rights of a human being without having the capacity to suffer the same punishments.

Should Should not No consensus

d) Whether the policy objective can be achieved by a legislative or political approach that is less difficult than a constitutional amendment.

Comment: If the SAME policy objective can really be achieved by an easier approach, then it's hard to see why anyone would go to the trouble of proposing a constitutional amendment. In most cases, the objectives will be somewhat different.

If an amendment proposal really does achieve the same objectives as other proposed

legislation, the proposal might still be well crafted, but it probably isn't appropriate to amend the Constitution if you can achieve the same goal through other methods.

PRO: if you believe that the Constitution shouldn't be amended lightly, other alternatives should always be considered first.

CON: if you think it might be appropriate to try for a constitutional amendment at the same time as trying other approaches.

Should Should not No consensus

e) Whether the public policy objective is more suited to a constitutional and general approach than to a statutory and detailed approach.

Comment: I think we can all agree that the Constitution shouldn't be full of details of things like enforcement and sentencing. But what sort of important policy objective can't be stated in general constitutional terms? And if it can't be stated in "constitutional" terms (whatever that means), then why would you support it as a constitutional amendment?

But what about the issue raised in the LWV's study guide "Points of View" CON argument? "When Congress or the courts fail to implement an important policy, amending the Constitution may be the only way to make a change." It may indeed be the only way to implement some policies: but in that case, surely an amendment could be written that didn't descend into minutiae.

So this one is probably a clear yes, unless you think we should support any amendment whose objectives we agree with, no matter how overly detailed and inappropriate the actual proposal might seem.

PRO: if you believe things in the Constitution should be "constitutional and general".

CON: if you think we should make the Constitution less "constitutional".

Should Should not No consensus

Part II - Aspects of an Article V Constitutional Convention

Article V of the U.S. Constitution provides two ways of proposing amendments to the nation’s fundamental charter. Under one method, called an Article V Constitutional Convention, legislatures of two-thirds of the states (34 at present) may ask Congress to call a convention to propose amendments to the Constitution. Amendments proposed by this method must be ratified by three-fourths of the states, 38 at present. An Article V Convention has never been successfully invoked.

2. What conditions should or should not be in place for an Article V Constitutional Convention initiated by the states?

a) The Convention must be transparent and not conducted in secret.

PRO: The workings of a Convention need to accord with the basic principles of democratic government, where the public can follow the proceedings and decisions without hindrance.

CON: Some proceedings, such as diplomatic negotiations or difficult compromises, may be more successful if held in private. Public scrutiny will be afforded after the negotiations have been completed.

Agree Disagree No consensus

b) Representation at the Convention must be based on population rather than one state, one vote.

PRO: The delegates represent citizens and should be distributed by U.S. population.

CON: The U.S. is really a federation of states that must agree by state to any change in the Constitution.

Agree Disagree No consensus

c) State delegates must be elected rather than appointed.

Comment: LWV's suggested CON argument is that “Appointment allows for experts who wouldn’t run in an election.” If you find yourself agreeing with that, consider: we already have a panel of appointed experts, not answerable to the voters, who are deciding these issues without leaving any recourse for reconsideration: the Supreme Court. The whole point of the constitutional convention process is to allow input from the electorate on issues where the experts may not reflect the will or the best interests of the people.

PRO: If you agree that the biggest need for a constitutional amendment would be to address issues the current experts aren't addressing to the public's satisfaction, the delegates making the decisions should be elected.

CON: On the other hand: The election process is admittedly broken. Elected officials mostly represent big-money interests, not popular opinion. If you don't trust elections, maybe appointing delegates is safer. But then who appoints the delegates? The question doesn't specify, so if you disagree with electing them, it's hard to know what you'd be arguing for instead.

Should Should not No consensus

d) Voting at the Convention must be by delegate, not by state.

PRO: Delegates from one state can have varying views and should be able to express them by individual votes.

CON: Because any amendment proposal will go to the states for ratification, voting by state blocs—however the delegates are originally chosen—reflects the probability of eventual ratification.

Should Should not No consensus

e) The convention must be limited to a specific

topic.

PRO: Sounds like a good idea.

CON: It's probably not possible to enforce such a condition (nobody really knows and the debate has been smoldering for quite some time). There have been no constitutional conventions since the Constitution was drafted, so there is no precedent for limiting such a convention. Plus, there is nothing in Article V that says a convention must conform to prior constraints.

___ Agree ___ Disagree ___ No consensus

f) Only state resolutions on a single topic count when determining if a Convention must be called.

Pro: Clarifies the unanimity of intent of the states resolving to call a convention. Makes it more difficult to secure the required number of votes.

Con: Makes it harder to call a convention.

___ Agree ___ Disagree ___ No consensus

g) The validity of state "calls" for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission should be respected by Congress.

PRO: State legislatures should be free to propose and also to rescind calls for Constitutional Conventions. States that first voted for a Convention may come to fear a "runaway" convention or may simply no longer find popular support for a convention on a particular issue.

CON: Once a state legislature has voted for a call to a Constitutional Convention, it should stay in effect because it may take time for other states to join the effort. By analogy, it could not be rescinded any more than a ratification of an amendment can be rescinded.

___ Agree ___ Disagree ___ No consensus

3. Should the League oppose an Article V Constitutional Convention to propose amendments to the U.S. Constitution because of unresolved questions about the powers and processes of such a convention?

PRO: The Constitution is too important to trust an unknown or uncontrollable process.

CON: A convention is intended to be an unrestrained process to propose amendments to the Constitution.

___ Agree ___ Disagree ___ No consensus

4. Should the League consider supporting a Constitutional amendment that will advance a League position even if:

a) There are significant problems with the actual amendment as proposed?

PRO: The League should "consider" supporting any amendment. Whether it should actually support it is an entirely different question.

CON: Having considered, the League should almost certainly never support an amendment with significant problems. Amendments are not just ordinances that can be revoked at will; they have enormous potential to alter our entire legal structure at every level. Even a seemingly insignificant problem, error or ambiguity can have profoundly bad results.

___ Agree ___ Disagree ___ No consensus

b) It is being put forward by a procedural process the League would otherwise oppose?

PRO: Our positions have been studied and agreed to. If other organizations are supporting an amendment in a policy area we also support, we might participate even though it is inconsistent with the process criteria we support under Part II.

CON: If the League has a consensus on the process criteria outlined in Part II, then the League should not campaign for an amendment when the process being proposed is inconsistent

with those standards, even though the League supports the policy outcome.

___ Agree ___ Disagree ___ No consensus

Observer Corps Report

At the County Council meeting on September 8th, the Ski Club transferred the bulk of the ski hill to county ownership, and a small parcel at the bottom and at the top to Pajarito Recreation LP, which is the new operator/owner of the ski hill. This has been a long time in coming because of the complex negotiations between the Ski Club, the County, and Pajarito Recreation. The pond at the top of the ski hill is full, so they can make snow this winter. This fact plus predictions of a wet winter are leading to high expectations for a good ski season.

On September 10th the County Council held a special session devoted entirely to the Capital Improvement Projects. The Council listened to a large number of citizens recommending which projects to fund. There are many excellent projects being proposed, but only fourteen million dollars to spend, so the Council has a difficult job ahead in deciding what to fund and what not to fund. There will be further meetings as the Council works its way to a final selection.

At the September 15th Council meeting in White Rock, Andrew Fraser, chair of the Board of Public Utilities (BPU), gave the annual report from the BPU. One point he made was that the BPU needs to seriously consider whether or not the Department of Public Utilities (DPU) should own its own power-producing resources, or whether it should be buying power off the open market. There are many factors that go into making this decision, and these will be hashed out over the next couple of years as we approach changes in the San Juan Generating Station ownership, and as we contemplate participation in the Small Modular Reactor consortium.

Lynn Jones

Getting a Grip on Recycling in Los Alamos

Since the failure of the initiative to charge a fee for plastic and paper bags in Los Alamos (and thereby discourage their use), the League and Sierra Club are relying on conscientious individuals to make a difference. Here's what you should know.

Do NOT put those single-use plastic grocery bags or similar plastic bags or plastic wrap in your blue recycling bins. They clog the machinery at the recycling plant. The following plastics should be recycled at Smith's.

Please Recycle These In Bag-2-Bag® Bins at Smith's

Plastic retail bags
Produce bags
Newspaper bags
Dry cleaning bags
Cereal box liners
Paper towel and toilet paper wrap
Over wrap on cases of soda or canned vegetables
Sealed air pouches in mailed packages
Ziploc and other zipper style bags—please remove zippers prior to recycling

Please Do NOT Recycle These In Bag-2-Bag® Bins at Smith's

Salad and other pre-prepared vegetable bags
Frozen vegetable bags
Pet food bags, foil, and cans
PVC or PVDC (Saran) films (meat wrap is PVC)
Polystyrene, polyurethane foam, polypropylene
PETE trays (used to package meat, bakery items, etc.)
Plastic bottles
Hazardous materials, medical wastes, or packages of these products
Metal

For further information about the Bag-2-Bag® program, go to

<http://novolex.com/sustainability/bag-2-bag>

At a recent Environmental Sustainability Board meeting, Mike Smith of Friedman Recycling in Albuquerque explained some of the intricacies of our remarkably comprehensive County recycling program. These were reported by Arin McKenna in the *Los Alamos Monitor*.

Recycling Tips for the Blue Bins

All recycling should be placed loose in the bins—

EXCEPT for shredded paper placed in CLEAR plastic bags for identification

Plastic #1-#7

Small electronics as long as they contain NO glass

Aluminum foil and cans

Paper bags

Butter tubs

Six-pack containers, cereal/cracker boxes

UNLESS they have a plastic liner

Corrugated cardboard

Hard/softback books

All mail, magazines, newspapers, office paper

Phone books

Milk/juice boxes

Metal pots and pans

Coffee makers (without the glass pot)

Rigid plastic and metal toys or appliances, even if a mixture (they'll be sorted)

Plastic bottle tops as long as they're screwed onto the plastic bottle (and please crush them to save space).

Please Do Not Put These in the Blue Bins

Glass (put clean jars and bottles in the yellow bins at the Coop, Sullivan Field

Wood or lumber

Styrofoam

Greasy residue

Large metal items that don't fit in the bins or small ones (like nuts and bolts) that would fall through the grates in the sorting machines; take these to the Eco-Station for scrap metal recycling.

For further information, go to

losalamosnm.us/gogreen

Rebecca Shankland

Report of September LWL: David Puddu

Landmark, the owner of the *Los Alamos Monitor*, wanted to hire a publisher from within the state to replace Ben Carlson. David Puddu

(the stress is on the second syllable) has been a publisher for 28 years, most recently in Socorro, Belen, and Moriarty. He has now been publisher of the *Los Alamos Monitor* for a year and has made some major changes. For instance, prior to the 2014 General Election the paper published its own voter guide in addition to that of the LWV. In August they switched to mail delivery after giving the carriers a month's notice, and reduced the frequency of the paper from five days a week to three.

Puddu explained that, since the recession of 2008, a lot has shifted in the newspaper publishing industry. To be viable, the *Monitor* must offer greater value to subscribers. He is concentrating on "ancillary publications," niche products such as *Mind and Body* to highlight the Health Fair; a glossy art studio tour guide, and the dining guide. Distribution is the key to success. The *Monitor's* visitor guide is placed on the Bandelier shuttle where there is a captive audience of 200,000 visitors a year. It is also available at all entry points to the state.

One financial advantage is that the *Monitor* has an in-house printing press, which prints the local paper as well as the *Las Vegas Optic*. Still, to secure enough advertising money to support the paper, it is necessary to seek business in Espanola, Pojoaque, and Santa Fe.

The *Monitor* has a staff of 25 with five in the newsroom. Puddu hopes to expand the coverage of County meetings beyond Council and Board of Public Utilities. He also plans to hire a new editor soon, who will once again write opinion pieces. In response to a question, Puddu explained that articles with the byline "Monitor Report" are often press releases from outside entities.

Asked for his feelings about Los Alamos, Puddu expressed appreciation for the discerning audience, the retirees who stay in town, and the variety of clubs and non-profit organizations in town.

Barbara Calef

Emile Nakhleh Speaks in Los Alamos

The Pajarito Room at Fuller Lodge overflowed with residents eager to understand the recent developments in the Middle East. Emile Nakhleh, National Intelligence Council Associate and member of the Council on Foreign Relations, focused his talk on the current state of affairs in Syria, Iraq, Egypt, and Iran.

ISIS (Islamic State in Iraq and Syria), also known as ISIL (Islamic State in Iraq and the Levant), fueled by radical, intolerant ideology, has emerged due to domestic conditions and policies including dictatorship, corruption, repression, poverty, unemployment, sectarianism, perceived anti-Islam policies of foreign powers, and the Israel-Palestine conflict. ISIS is funded through the sale of oil as well as by donations. Whereas Al Qaeda viewed itself as global, ISIS is local, driven by social conditions. Unlike Al Qaeda, ISIS controls territory and provides civil services. ISIS has succeeded in restoring the caliphate, which was abolished in 1924. Their goal is to eliminate the boundaries between Iraq and Jordan and Saudi Arabia.

Nakhleh noted that 60% of the jihadists and most of the funds supporting ISIS come from Saudi Arabia. The U.S. regards the Saudis as allies, but their country is the source of the ideology that drives ISIS and Al Qaeda. Wahhabism and Salafism are based on extremist interpretations of the Koran. Their teachings were encouraged by King Faisal in the 1960s in order to counter the appeal of Arab nationalism and Communism. Today Wahhabi textbooks are being sent from Saudi Arabia to many other Islamic communities. Until the Saudis revise their interpretation of the Koran, their destructive influence will continue.

In addition to ISIS, Al Qaeda and two other rebel groups are fighting in Syria. The United States has spent \$500 million to support moderate Syrian opposition forces, but the money was wasted because the mission was not clear. Assad still controls 40% of the territory. Meanwhile, Russia is playing a game, using Syria to re-

emerge onto the world stage after the sanctions imposed for its actions in Ukraine. Russia is sending advanced aircraft to bomb rebel sites and in return Putin is getting what he wants: negotiations with the West. Nakhleh emphasized that Assad cannot be part of a solution for Syria, though perhaps Russia can negotiate a safe exit for him.

A coalition of Middle Eastern nations must be organized to fight ISIS and Assad. Turkey, Jordan, and Morocco have the military capability to contain ISIS with financial, logistical, and intelligence support from the United States. The mission must be clear and the goal must be defined. ISIS can be contained. American armed forces must not be used – “no American boots on the ground, just a few slippers.”

Iran is the most vibrant state in the Middle East. Nakhleh said that the Iran Nuclear Deal can be an agent of change – it will give us the opportunity to work with Iran on ISIS, Hezbollah, and stability in the region. He noted that the Energy Secretary and the Secretary of State are comfortable with the agreement. It's not perfect, but is the most achievable deal possible.

In contrast, in Egypt the dictatorship has stifled creativity. Nakhleh said that the government cannot achieve stability in Egypt without the Muslim Brotherhood, which has been a presence since 1928. Morsi made some major errors, but he was the democratically elected leader of the country. The Egyptians should have been given the opportunity to decide whether to re-elect him. Now Egypt, with nearly 20,000 political prisoners, is in worse shape than under Mubarak.

Our interests are not served by coddling dictators. We must revise and re-visit our policies in the Middle East.

Barbara Calef



LEAGUE OF WOMEN VOTERS OF LOS ALAMOS
MEMBERSHIP FORM

Mail to: LWV Los Alamos
P.O. Box 158
Los Alamos, NM 87544

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Check here if you are willing to receive our local newsletter Update as an electronic file, saving us postage.

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Membership Categories

Single membership: \$45

Household membership (two+ people at the same address): \$65

Single Sustaining membership: \$75

Household Sustaining membership (two+ people at the same address): \$95

Note: Membership checks should be payable to LWV-Los Alamos

Additional ways to support the local League

Unrestricted contribution (not tax deductible): \$ _____

LWV Education Fund (tax deductible): \$ _____

Note: Checks for tax-deductible contributions must be payable to LWVLA Ed. Fund and not combined with any other payments.

Interests (check as many as apply)

- One-time activities (unit meetings, fund-drive mailings, etc.)
Affordable Housing
Election Reform
Fuller Lodge
Land Use
Local Government
Medically Indigent Fund
Public Transportation
Sustainability
Water Issues
Not sure (I just support LWV)

Other (please suggest) _____

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

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