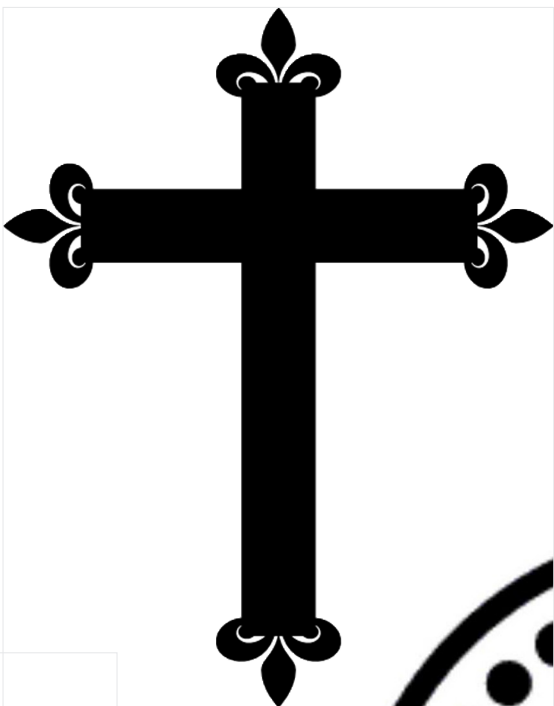


WORKS IN PROGRESS



JANET BLANDING EXAMINES THE
HOBBY LOBBY RULING

A CLOSER LOOK AT BERKSHIRE
HATHAWAY'S BNSF RAILWAY

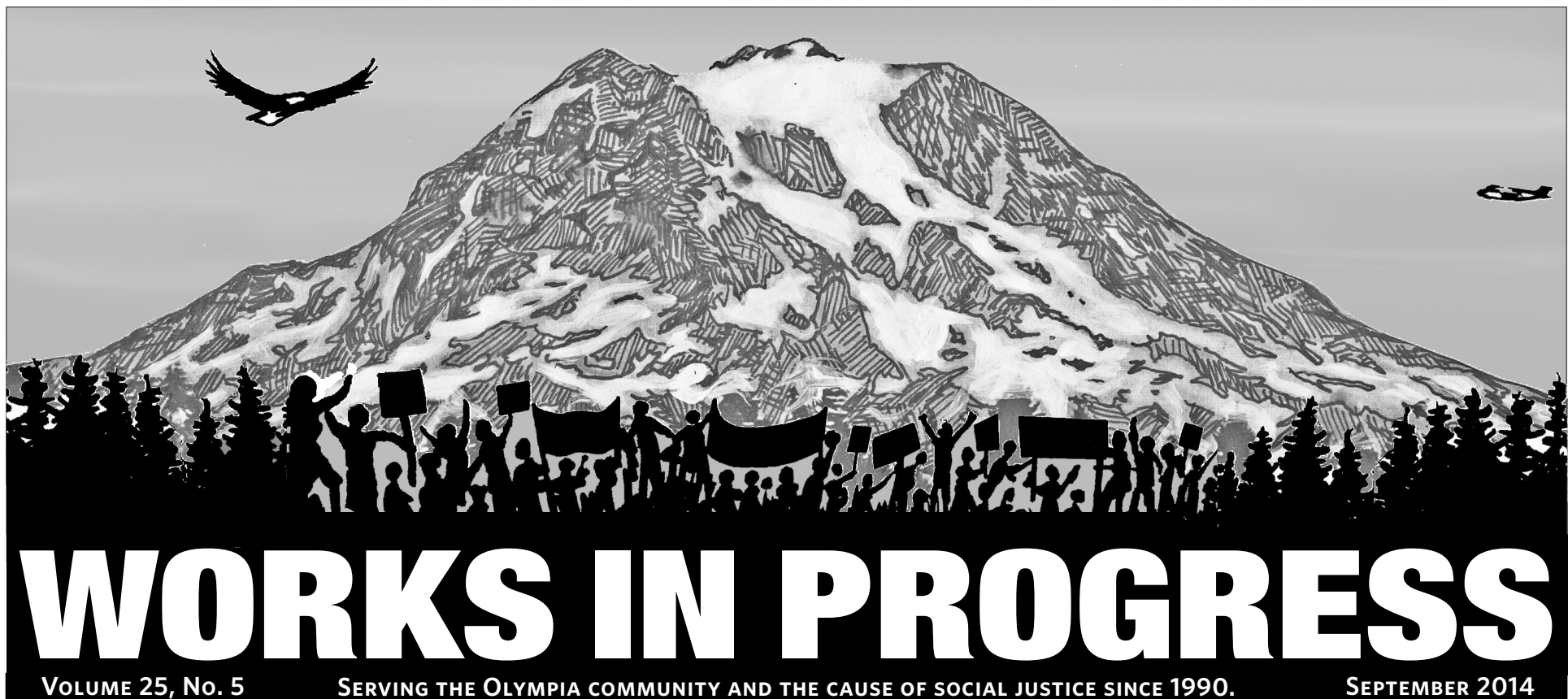
CHILD REFUGEES AT THE UNITED
STATES' SOUTHERN BORDER



HOBBY LOBBY IS
COMING TO TOWN



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And let there be birth control

The Hobby Lobby ruling and how it will affect *Stormans v. Wiesman*

Janet Blanding

Phoebe Blanding, research assistant

Crafting retail giant Hobby Lobby is spreading the gospel of cheesy merchandise and restrictive reproductive healthcare policies through the United States, and next year Olympia will be home to the newest of these knitting needle emporiums. Real estate developer Merlone-Geier has applied for a renovation permit for the old Kmart at 4141 Martin Way, anticipating Hobby Lobby as their major tenant, along with space for another eight retail tenants. Hobby Lobby spokesperson Vincent Parker confirmed that the company is “hoping for a mid-summer of 2015 opening.”

Virtually unheard of in this region a few years ago, the Hobby Lobby retail chain of 628 stores has been expanding rapidly, with 33 stores opened in 2012, 40 in 2013, and 70 scheduled for opening in 2014. At this time, there is no evidence that denying full birth control coverage to your female employees is bad for business.

Hobby Lobby v. Burwell

On June 30, 2014, the Supreme Court decided in favor of Hobby Lobby in the case of *Hobby Lobby v. Burwell*, ruling that the contraception mandate of the Affordable Care Act (ACA) violated the Restoration of Religious Freedom Act (RFRA). This is a landmark decision in a number of ways: it establishes corporations as entities capable of holding religious beliefs, it sets a precedent for other closely held corporations to wriggle out of providing contraception to their employees, and opens the door to corporations making other demands for religious exemptions from federal laws.

Hobby Lobby claimed in its original complaint that “the Mandate can be interpreted as nothing other than a deliberate attack on the religious beliefs of the Greens and millions of other Americans.” Nonetheless, the Supreme Court decided the case not on constitutional grounds, but statutory ones, ultimately finding that the contraception mandate violates RFRA. The RFRA is a 1993 congressional act that prohibits the federal government from taking any action that substantially burdens the exercise of religion unless that action constitutes the least

restrictive means of serving a compelling government interest.

Hobby Lobby’s lawsuit did not take issue with all forms of contraception. It focused on intrauterine devices (IUDs) and the emergency contraception medications, Plan B and Ella, which the company claimed violated its religious beliefs as “the Green family’s religious beliefs forbid them from providing access to, paying for, training others to engage in, or otherwise supporting abortion-causing drugs and devices.” Many critics have questioned the sincerity of this belief, since Hobby Lobby buys most of its merchandise from China, a country with extremely restrictive family planning policies, sometimes (although unofficially) extending to forced abortion. In addition, *Mother Jones* magazine reported in April that the company “spent millions of dollars on an employee retirement plan that invested in the manufacturers of the same contraceptive products the firm’s owners cite in their lawsuit.” As

recently as 2012, Hobby Lobby’s health plan covered Plan B and Ella, the drugs which caused so much offense after the ACA required they be covered. While accounts vary slightly on how the stores’ owners, Oklahoma billionaire David Green



and his wife Barbara travelled the path from covering emergency contraception to opposing it on religious grounds in the highest court in the nation, there is incontrovertible proof that these

medications were previously included in the company’s health plan. In Hobby Lobby’s original complaint, the plaintiffs state that “after learning about the nationally prominent HHS mandate controversy, Hobby Lobby re-examined its insurance policies to ensure they continued to be consistent with its faith. During that re-examination, Hobby Lobby discovered that the... policy included two drugs—Plan B and Ella—that could cause an abortion.” The *Wall Street Journal*, however, reports that Hobby Lobby’s owners became aware that their plan covered emergency contraception when a lawyer from the Becket Fund for Religious Liberty (a right-wing public interest law firm) called Hobby Lobby’s general counsel to persuade them to sue the federal government. The Becket Fund served as attorneys for the plaintiffs and prepared the complaint.

The Becket Fund is a non-profit organization that states as its mission
► **HOBBY LOBBY**, continued on page 12.

Berkshire Hathaway

The facade of patriotic commerce

BNSF claims safety is its number one priority while raking in the profits

J. C. Kadin

Berkshire Hathaway is a conglomerate holding company whose subsidiaries are diverse and numerous. Chairman, president and CEO Warren Buffett has steered the company to a number five position on the Forbes Global 2000 list and continues to make corporate investment decisions. In 2013, the company’s gain in net worth was \$34.2 billion and as of May 2014, it had a market capitalization of \$309.1 billion. Omaha, Nebraska is home to its corporate headquarters, with 24 people on staff, while the company overall employs 330,000.

Structure of the conglomerate

There are four major sectors that

operate within the company: insurance; utilities, railroad and energy; manufacturing, service and retail; and finance and financial products. Each of the four sectors has its own executives to make operational decisions, as Buffet prefers to focus on investing and acquisitions.

The insurance sector is the core

The “Powerhouse Five” increased their pre-tax earnings from \$758 million in 2012 to a record \$10.8 billion in 2013. Four of these five companies have ties to the oil industry.

operation of the company, stimulating growth through the use of its “float”. Insurers collect premiums upfront that eventually get paid as claims. Until they do, these collected premiums accumulate in huge pools that are

referred to as float and can be invested for the insurance company’s benefit. Although specific premiums and claims fluctuate, float typically holds steady relative to premium volume. Berkshire insurance subsidies year-end float in 2013 was \$77 billion, while underwriting profit was \$3.1 billion. The major companies within this sector are Berkshire Hathaway Reinsurance Group, headed by Ajit Jain, General Re, led by Tad Montross and GEICO, managed by Tony Nicely.

The utilities, railroad and energy sector has two major subsidiaries. Burlington Northern Santa Fe (BNSF), led by Carl Ice and Matthew Rose, and MidAmerican Energy, headed by Greg Abel. MidAmerican is 89.8 percent owned by

Berkshire and had net earnings in 2013 of \$1.6 billion, \$1.5 billion of which were applicable to Berkshire. BNSF’s 2013 net earnings were \$3.8 billion and is owned wholly by Berkshire.

► **THE FACADE**, continued on page 9.

The governing of whom, by whom, for whom

Terren F. Zander

First of all let’s take heed of the fact that the term is governance, not government. Government is a noun, “A government is the system by which a state or community is governed.” -Wikipedia

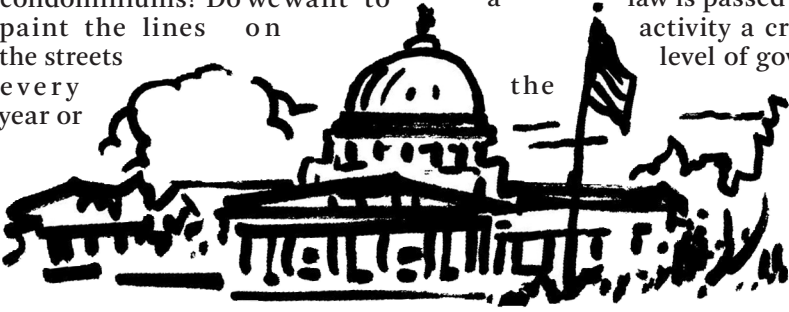
But I’m talking about the process of governing, not the system. Governing is collectively figuring out how we are to live socially in our community. At the macro level it includes driving on the right side of the road. Most people adhere to that collective understanding. At the macro level we pay taxes for public education because we want our children to be able to comprehend the world they live in and, hopefully, they will be able to fend for themselves at some point.

That’s the federal level of governing. As individuals we have little or no impact on laws created and codified in Washington, D.C. And really, even though our national form of government is supposedly a collective voice of the people being heard and implemented, in reality a only a few hew and hone their biases into what they deem best for others. Notice how corporations get their way over the objections of the people. Notice how the lobbyist have more access to

the lawmakers than the average citizen. Notice how lawmakers don’t even have to follow the very laws they create. Even though the Gettysburg Address reads, “that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.” Those words have been quoted ever since as the supreme vindication of representative government. I wonder if we even have a government of the people [human beings] anymore. At any level. So many have abdicated their voice to the so-called ‘experts’.

The next levels of governance closer to home are the state and then the county. The collective needed at these levels is not across such a diverse area, so it becomes easier to have some say in how we use our taxes to give

and fragmented. Now to the local level of governing. What happens in our community, mine and yours? Do we want to use the isthmus for a park or high-rise condominiums? Do we want to paint the lines on the streets every year or



every two years? How do we want our police to interact with us? Do we want them to use intimidation and even physical force to keep us ‘in line’? Or would we rather they help educate and remind us of our lapses in judgement; except for the truly dangerous among us, those whom we would like removed from our public social life? Governing does not happen by magic. Someone, somewhere has to decide on the rules that provide us with a sense of safety and well-being. Those who make themselves heard have a better chance at getting what they want than those who sit and wish....or complain. And those who rise to a level

of leadership (aka power) have an even greater chance at implementing rules they deem necessary for the good of the community. The city manager, for instance, has only to convince the seven people on the city council that a person sitting/sleeping on the steps at the front door of city hall is dangerous and, voila’, a law is passed making that activity a crime. At this level of governance we, the people, are told that our elected officials are acting in the best interest of the people. What they mean is they are acting in the interest of some of the people, but they leave that part unsaid.

So, to paraphrase a comment bandied about in the media, we get the type of governance we are willing to sit still for. Because without your participation and mine, someone is still going to make decisions for the common good. Are those decisions you can live with? How do you want your community to be? Have you made your voice heard recently? Who governs you?

Terren F Zander is chair of the Social Justice committee of the Olympia Unitarian Universalist Congregation. He dislikes oppressive use of force by anyone, school bullies to bureaucrats to political dictators. He encourages citizen participation at every level of society for us to have our social world be the way we would like it to be.

Huckleberry wolf pack in crosshairs

Conservation groups appeal to Gov. Inslee for rules limiting killing of Washington's endangered wolves

OLYMPIA, Wash.— Eight conservation groups filed an appeal with Governor Jay Inslee August 28 to reverse the Washington Fish and Wildlife Commission’s denial of a petition asking for enforceable rules limiting when wolves can be killed in response to livestock depredations. The petition seeks to limit when the Department of Fish and Wildlife can kill wolves and require livestock producers to use nonlethal measures to protect their stock. Rules similar to those requested by the petition are in place in Oregon and are working to encourage ranchers to enact nonlethal measures; there, the number of depredations has decreased dramatically, and the state has not killed wolves in more than three years.

“All we’re asking for are some very reasonable standards on what ranchers need to do to protect their livestock and when the state can step in and kill an endangered species,” said Amaroq Weiss, West Coast wolf organizer with the Center for Biological Diversity. “Many, many questions about the circumstances that led the Department to secretly move to kill wolves in the Huckleberry pack this past weekend — on top of the disastrous killing of the Wedge pack in 2012 — highlight a clear need for such rules.”

In 2012 the Department killed seven wolves in the Wedge pack despite the fact that the rancher had taken little action to protect his stock. A similar situation is now taking place in southern Stevens County with the Huckleberry pack. The pack has been involved in multiple depredations of sheep, but there are

many questions about the practices of the rancher in question. In particular, the rancher is grazing 1,800 sheep in highly dissected terrain in close proximity to a known wolf rendezvous site. Reportedly, the sheep have been protected merely by four guard dogs since a sheep herder quit roughly a month ago and was not replaced. Additionally, sheep carcasses have been left in the area, serving as a potential attractant to wolves.

Once depredations were discovered, the Department advised the Commission that the sheep were being moved, a range rider was being deployed and that agency staff were on-site to help deter further depredations, but before these actions were fully implemented, the Department secretly put a helicopter in the air to shoot wolves. To date, one wolf has been killed and the sheep still have not been moved.

“This is exactly the type of situation where, if strict, enforceable rules were in place to implement the state’s wolf plan, the sheep owner’s lax practices and the failure of the Department to follow through would have kept the Huckleberry pack safe from the knee-jerk kill order that has been issued against them,” said Nick Cady, legal director for Cascadia Wildlands.

Last Wednesday the Department issued an order authorizing agency staff and the sheep owner to kill any of the Huckleberry pack wolves in the vicinity, instead of using rubber bullets or other hazing tools. It has also come to light

that the Department failed to accept offers of assistance from a Washington State University wolf researcher to help get sheep carcasses out, implement more nonlethal measures, and help monitor the situation. It also failed to accept an offer from a conservation group of special predator-deterrence lights used elsewhere in conflict situations. Instead, without notice to the public or even to the stakeholder advisory group the

In 2012 the Department killed seven wolves in the Wedge pack despite the fact that the rancher had taken little action to protect his stock.

Department consults with to implement the state’s wolf plan, the Department launched a secret aerial gunning campaign over the weekend with the aim of killing up to four of the pack’s wolves. One young wolf, which may have been a pup from this spring’s litter, was killed from the air and after more unsuccessful airtime, the helicopter was grounded but efforts continue by the Department to trap and euthanize up to three more wolves.

Conservation groups filed a similar petition in the summer of 2013 but withdrew it based on promises from the Department to negotiate new rules governing lethal methods of wolf management. A year later, with no negotiations having taken place, the Department gave notice to the Commission it was going to introduce its own, far-less-protective lethal wolf-control rule, leading the groups to refile their petition.

“The Department’s actions have been extremely controversial and we know that Gov. Inslee’s office has received thousands of emails and phone calls just this week since the helicopter

sniper took to the skies,” said Tim Coleman, executive director of the Kettle Range Conservation Group. “So we think he is fully aware of how much Washington residents care about the state’s endangered wolves and how badly it is needed for the Commission to adopt legally enforceable rules to prevent this from ever happening again.”

In 2011 the Commission formally adopted the state’s wolf plan, which was crafted in a five-year process with input from a 17-member stakeholder group, more than 65,000 written comments from the public, and a peer review by 43 scientists and wolf managers. However, Commission and Department officials have publicly stated that they view the plan as merely advisory. Washington’s wolves were driven to extinction in the early 1900s by a government-sponsored eradication program on behalf of the livestock industry. Since the early 2000s, the animals have started to make a comeback by dispersing into Washington

from neighboring Idaho and British Columbia. But wolf recovery is still in its infancy. According to the Department’s annual wolf report, Washington’s wolf population grew by only one wolf, from a population of 51 wolves to 52 wolves from the end of 2012 to the end of 2013.

The appeal to Gov. Inslee was filed by groups representing tens of thousands of Washington residents, including the Center for Biological Diversity, Cascadia Wildlands, Western Environmental Law Center, Gifford Pinchot Task Force, The Lands Council, Wildlands Network, Kettle Range Conservation Group and the Washington State Chapter of the Sierra Club.

Upon receipt of the appeal, the governor’s office has 45 days to respond with a final decision.

—The Center for Biological Diversity

The Center for Biological Diversity systematically and ambitiously uses biological data, legal expertise, and the citizen petition provision of the powerful Endangered Species Act to obtain sweeping, legally binding new protections for animals, plants, and their habitat

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WORKS IN PROGRESS

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Works In Progress is a free, all volunteer-operated progressive community publication based in Olympia, Washington. Opinions expressed do not necessarily reflect those of Works In Progress and are solely those of the authors.

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Please send text as Word attachments. Artwork and photos can be sent electronically or we can scan them for you as camera-ready/black & white.

Works In Progress is committed to stories misrepresented or ignored by the mainstream media. We value local, well-researched news stories, accounts of personal experience and reflections by local authors. Opinion pieces, also valued, are often best supported by facts, examples, and sources, and we encourage writers to include these elements to submissions. We're also looking for graphics, poetry, cartoons, and articles that push the boundaries of conventional journalism.

WIP reserves the right to publish in whole or part all submissions. For editing purposes, please enclose your phone number. Articles may be reprinted. Please cite sources.

If your issue isn't being covered in Works In Progress, it's because you aren't writing about it! (Or haven't found someone else to cover it!)

Send submissions to olywip@gmail.com or mail to Works In Progress, PO Box 295, Olympia, WA 98507-0295.

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WIP will make every effort to work with the contributor of material considered by WIP to be offensive in order to reach a mutually agreed upon resolution, but WIP reserves the right as a last resort to edit or not print submitted material.

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Our aim is to confront injustice and encourage a participatory democracy based on economic, social, and environmental justice. Works In Progress is dedicated to providing a voice for those most affected by the exclusionary and unfair practices that seek to silence the oppressed.

Anti-Discrimination Clause

We will collectively endeavor to be sensitive and respectful to all those oppressed in this society and their issues. However, if and when we should make a mistake in this regard, we expect to acknowledge it and to express regret for injury or insult given.

Back Issues

WIP is archived on microfilm by the University of Washington Library. Some issues are held in the Timberland Library system. The last five years are online at www.olywip.org

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Honor Lac Megantic, honor the treaty, honor the Earth

Carol Seaman

On Sunday, July 6, 2014, friends and citizens of Grays Harbor, along with The Quinault Nation, gathered at Zelasko Park between the two bridges in and out of Aberdeen. They met to honor the 45 adults and two children who lost their lives last July 6, 2013. All were victims of a “crude oil” derailment and explosion in Lac Megantic, Quebec. On that fateful day a train exploded like

a bomb—a train full of highly explosive crude oil—vaporizing these 47 people, destroying an entire historical downtown: Lac Megantic, Quebec, Canada. That was one year ago. While life goes on here and there, life is not yet, and will never be, the same for the families, friends, neighbors and businesses of that community. This could happen in any town today, in Washington State—anywhere. Recently reported current “crude oil explosions” extended 100s of feet into the air in a half mile to mile radius, putting all at risk.

Numbers in attendance at this event were disappointing, estimated to be about 60 by Arnie Martin, President of Grays Harbor Audubon Society. However, the sometimes somber, sometimes joyful, show went on. This remarkable group of friends in Grays Harbor—hosts of the vigil were there to honor as well as inform. An English reading of the heartfelt letters exchanged between Lac Megantic and The Quinault Nation took place and in French as well—the language of Quebec. Many participants wandered about in white tee-shirts with oil trains on front—noting the dangers of “crude by rail” and the three proposed “oil tank farms” at Grays Harbor. Some were wearing large placards and sandwich board signs—47 in all, each displaying a name of a victim of the Lac Megantic explosion. Throughout the day, attendees were seen viewing the large 4 x 8 memorial board with photographs and short biographies of each victim from oldest to youngest. It was a to a quiet, attentive audience that each victims name was read...aloud.

Traffic was heavy that Sunday—bumper to bumper beach traffic; tourists heading home via Aberdeen.

Throughout the day, participants took their turns standing along and on the two bridges of Aberdeen

remembering, waving, displaying names of victims, while hundreds of cars passed by. Perhaps, many passengers in many cars had no idea what was being represented there at Zelasko Park. Some honked, or gave a thumbs up while one tourist family from British Columbia rolled down their car window, asking what was going on. When told, they gave a heartfelt holler, “Thank you for doing this, Grays Harbor.”

As the day’s agenda proceeded, mostly unpublicized by local media, it

This could happen in any town—anywhere. Recently reported “crude oil explosions” extended 100’s of feet into the air in a half mile to mile radius...

was clear that all the effort and care, and organization made this event successful. The Quinault Nation representative spoke of their position, the harm imposed on the economy, health, safety and jobs by

2.7 billion gallons of “crude by rail” proposed for storage and export at Port of Grays Harbor. With the proposed enormous oil presence of three “Oil Tank Farms” and increased barges, tankers and vessel traffic—the Quinault treaty rights are being threatened—some dating back to 1855. Also of great concern is their position as the largest employer in Grays Harbor, a county with the second highest unemployment rate in this state. “The oil-related jobs argument is a lie. Most oil-related jobs are temporary.” Thirty-one percent of jobs in Grays Harbor are related to the fish and shellfish industry. One oil spill—it’s over. (ProtectOurFuture@Quinault.org)

So, at the end of the day of sign waving, placard wearing, and letter reading—along with honoring Lac Megantic—these friends and citizens of Grays Harbor and the Quinault Nation would say their voice is a heads up to all citizens on this earth; an urging for each of us to inform ourselves of the ever-reaching, ever-dangerous arms of the monopoly of “crude by rail” and “crude oil exporting” proposed here in Washington State communities and ports. Beware. Inform yourselves of the magnitude of this oil venture and the impact it will have on quality of life. (cleanharbor.org)

Carol Seaman is a resident of Grays Harbor and lives on the Chehalis River. She writes extensively for local media on a variety of issues and topics, including “crude oil by rail” to The Port of Grays Harbor and others that impact our quality of life.

Olympia’s fifth annual

International Day of Peace celebration

Sunday, September 21 at Heritage Park (by the lake)

Olympians come together to create an all-day peaceful celebration of community life. Starting at 10 am with kid’s activities—including making & flying kites—there is a schedule of participatory events throughout the day, ending at 4 pm with what we hope will be a 100-voice community choir singing *We are the World*.

Global Day of Listening

Saturday, September 20, 4 pm to Sunday, September 21, 5 pm

Join friends, neighbors and people from all over the world on Skype, cell phones and computers in creating our community, and by extension our world, the way we want it to be.

Sponsored by Olympia Unitarian Universalist Congregation Social Justice committee, Interfaith Works, Fellowship of Reconciliation, Rachel Corrie Foundation, Media Island, Veterans for Peace - Rachel Corrie chapter 109, Buddhist Peace Fellowship, and others.

To John Coal Train

I think I can I think I can
pollute the sound
burn down your town

I think I can I think I can
kill without hate
I don’t discriminate

I know I can and watch I will
Derail I will, I will derail

They think with trains they can
attain
But they can’t train and they can’t
twain

But perhaps I shouldn’t complain
For coal has got to get there
To get from there to a distant
where
They’ll pass through here with
poison ware
But beware, don’t let them pass
The life you save may be your ass
This may sound crass or even rude
I simply suggest you avoid the
crude

Just don’t complain, right?
Coal has got to get there
Like cold hard cash, we pipe and
move
to their offshore stash
It will create jobs they continually
profess
But the job they have in mind is
to clean up their mess

I think...I mean...I don’t know...I...I
want...I....
I know I can but of course I won’t
tie to the tracks those that hold
these accounts
That suck the blood of Earth and I
A train’s greatest enemy is the
misguided “Y”

—broken

Kenneth, an Evergreen grad, spends his days sleeping, reading outside with cat in lap when weather allows, buying records at Rainy Day, and working on art projects. He spends his nights stocking products at a convenience store.

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Homelessness Leadership Summit

How do we connect as a community?

Discussing what works and what does not

Theresa Slusher

Is there such a thing as Community Envy? I think about places around the globe where I have traveled, shopped, enjoyed the local food and attractions and sometimes I have wished my community could be like them. Not in every way, but maybe in the way the local shops line up on a quaint street, or the selection of places to eat as quirky and unique, or how you can buy locally grown food or wine to take back home... you get the picture! But lately I have begun to ask myself—don't we already have a culture, character and history in our area of which I should be proud?

Part of my community envy has been informed by the buzz of discontent that has existed for years between those trying to create a vibrant downtown and those increasingly reliant on downtown for shelter and daily living. At the Homelessness Summit in May we began to explore this area of concern. Summit organizers, including myself, are challenged to continue the community conversation in this area, as we know that the Summit barely opened the door and there are strong feelings and long histories involved.

From the Summit, an idea emerged to connect business community and street culture. Notes from the group discussion on this idea stated the intent would be to: “convene facilitated conversations downtown to include street folks and people experiencing homelessness that would be authentic, provide lasting

benefits, and ultimately create a new culture”. I caught up with the ladies who committed to going forward with this idea, Meg Martin and Faith Trimble, and spoke with them about how their idea has evolved since the Summit.

Meg and Faith both expressed a desire to build bridges; to connect sectors of the community that don't typically interact or engage with each other until something

Those of us who were not born here, came here and choose to stay here for our own reasons. I stay here because I feel like our community is not so big that you get lost here. People still matter here.

“goes wrong”. They have plans to host a conversation as identified during the Summit, and are aligning with some projects already underway. I'll share more at a later date when specifics have been worked out. First up for the pair though is a United Way Day of Caring project on Friday, September 26. The dynamic duo is organizing a team of volunteers that will include people who want to build these figurative bridges between people from all sectors of our multifaceted community. To get involved contact Meg and Faith at megannemartin@gmail.com and faitht@athenaplace.com .

The conversation I had with Meg and Faith as I prepared for this article, and several others I've had since, have me thinking a lot about a concept we often use in social services work of interacting with our clients from a *strengths-based* approach rather than a *problem-*

Since medical marijuana businesses began opening in 2009, the rate of current marijuana use among Colorado high school students has dropped from 24.8 percent to 20 percent while increasing from 20.8 percent to 23.4 percent nationwide.

Marijuana Policy Project

DENVER — Rates of current and lifetime marijuana use among Colorado high school students have dropped since the state made marijuana legal in 2012, according to a press release distributed today by the Colorado Department of Public Health and Environment.

“Thirty-day marijuana use fell from 22 percent in 2011 to 20 percent in 2013, and lifetime use declined from 39 percent to 37 percent during the same two years,” according to the release. It has dropped nearly five points since 2009 (24.8 percent), when hundreds of medical marijuana stores began opening throughout Colorado. The state began regulating medical marijuana in 2010. The CDPHE release says the drop from 2011 to 2013 is not statistically significant, but it appears the drop from 2009 to 2013 could be. In either case, it is clear that use among high school students has not increased.

Nationwide, the rate of current teen marijuana use increased from 20.8 percent in 2009 to 23.1 percent in 2011 and 23.4 percent in 2013, according to the U.S. Centers for Disease Control and Prevention's (CDC) High School

Youth Risk Behavior Survey (YRBS). The national rate of lifetime use increased from 36.8 percent in 2009 to 39.9 percent in 2011 and 40.7 percent in 2013.

Colorado is successfully regulating marijuana, according to a 35-page report released last week by the Brookings Institution's Center for Effective Public Management. It concluded: “[Colorado] has made intelligent decisions about regulatory needs, the structure of distribution, prevention of illegal diversion, and other vital aspects of its new market. It has made those decisions in concert with a wide variety of stakeholders in the state.”

A working paper published late last month by the National Bureau of Economic Research concluded there is no causal relationship between medical marijuana laws and increases in teen marijuana use. According to the researchers, “Our results are not consistent with the hypothesis that legalization leads to increased use of marijuana by teenagers.”

Mason Tvert, the Denver-based director of communications for the Marijuana Policy Project who co-directed the 2012 Colorado initiative campaign, stated: “Once again, claims that regulating

marijuana would leave Colorado in ruins have proven to be unfounded. How many times do marijuana prohibition supporters need to be proven wrong.”

“Regulating marijuana is working in Colorado. The drop in teen use reflects the fact that state and local authorities have far more control over marijuana than ever before. Hopefully, elected officials and voters in other states are paying attention.

“Clearly, we don't need to exaggerate the harms of marijuana or tell Colorado teens they are 'lab rats' in order to influence their behavior in a positive manner. For the past decade, the state has been having an intense public dialogue about the fact that marijuana is less harmful than alcohol and debate over whether it should be legal for adults. It makes sense that teens' perception of its potential harms is falling in line with the evidence, but it has not correlated with an increase in use, thanks at least in part to thoughtful regulations.

“Our goal should not be increasing teens' perception of risk surrounding marijuana. It should be increasing teens' knowledge of the actual relative harms of marijuana, alcohol, and other substances so that they can make smart decisions.”

Marijuana Policy Project played a lead role in CO's Amendment 64 initiative.

centered one. What if I approached my community from that mind-set? I started thinking about all the things that are unique to this community that make it like nowhere else: the underground music scene in the 80's, our Nirvana connection and history, the Artesian Well, Evergreen, LBGTQ-friendliness, Arts Walk, Procession of the Species, Farmers Market, great locally grown, organic food, great restaurants, bars and shops, great lakes, rivers and the Sound. And people. Those of us who were not born here, came here and choose to stay here for our own reasons. I stay here because I feel like our community is not so big that you get lost here. People still matter here.

From now on, as I will do myself, I invite the reader to see our community for its strengths and not only for its problems. Problems have a way of diminishing when focus is placed in the positive. And for the problems that need attention, I vow to be part of finding solutions, community-based solutions.

This article is the second in a series coming out of the Olympia Homelessness Summit held in May of 2014. The Summit was meant to be a convening of leaders, but was also meant to be the start of a longer community conversation, not the only conversation. This series of articles for Works In Progress is a way of sharing this information with the broader Olympia community to inform you, to inspire you and to generate energy around the problem of homelessness that is positive, solution-oriented and community-driven. I will try to provide information that lets the reader know how to get involved. Please visit the Facebook page dedicated to continuing this important conversation: facebook.com/homelessnessleadershipcircleofolympia.

Special Events

TWAC CASCADIA: trans and/or women action camp
September 1 - September 8
20 miles outside of Randall, WA

TWAC is an action camp for folks who identify as women, transgender, transsexual, gender queer gender variant and gender non conforming. Cis-men (people who were assigned male at birth and identify with/feel comfortable with that assignment) are not invited to attend camp but are actively called upon to act as allies and support us in a variety of ways from gear collecting, food pick ups, fundraising....

This is an intentional space to share campaign information and direct action skills in a conscientious, supportive, empowering and encouraging environment for voices often marginalized. At the end of the camp, we take collective action on issues of importance.

More info TWACCASCADIA@RISEUP.NET

Village Alchemy with Mark and Marisha!
Friday, September 5, 6 pm
Arbutus Folk School
600 4th Ave E, Olympia

Mark and Marisha will share village building skills from City Repair models pioneered in Portland that have also been making Olympia better for more than a decade. Village building at San Francisco Street Bakery, Fertile Ground and West Central Park re-envision our community as a sustainable web of resilient places and neighborhoods. We'll learn principles and practices, and hone skills in community networking, urban agriculture, earthen building, and grassroots urban transformation.

Co-Sponsored by Northwest EcoBuilding Guild, South Sound Chapter - Arbutus Folk School - Transition Olympia

Olympia Skillshare Faire
Saturday, September 6, 10am - 5 pm
Friends Meeting House
3201 Boston Harbor Rd NE, Olympia

A day-long festival to revive skills from the past and showcase new skills for local self reliance. Workshops, demonstrations and talks on old skills like weaving and cheesemaking, raising food and livestock, tool sharpening and knot tying, and newer third world technology like rocket stoves and water filters. Good food and music in a natural setting.

Sliding donation \$5-\$15. Under 14 free. No one turned away.

Sponsored by Transition Olympia and the Northwest EcoBuilding Guild

For more information or to volunteer, please contact Gita Moulton at 352-9351 or gitamoulton@earthlink.net.

Thurston Solar Tour
Saturday, September 13, 10 am - 4 pm
Olympia Timberland Library
313 8th Ave SE, Olympia

Join us for the 19th Annual Thurston Solar Tour! Self-guided, so pack a lunch and visit your area, or come on down to the Olympia Timberland Library, and let us help you plan a tour while you visit eco-friendly tables!

Cascade Media Convergence
September 19 - September 21
University of Oregon Turnbull Center
Portland, Oregon

The CMC will be a series of workshops, facilitated strategy sessions, and public events aimed at bringing together alternative and community media makers to network, share knowledge and skills, and discuss ways to continue collaboration and build toward a regional media coalition.

The CMC is sponsored by the Wayne Morse Center for Law and Politics and the University of Oregon Turnbull Center.

Visit www.cascademedia.cc for more information

Water-wise Plant Sale
Sunday, September 28, 11 am - 4 pm
4131 Mud Bay Road, Olympia

Do your fall plant shopping with us! Our popular sale boasts native, water-wise and rain garden plants that will make your garden gorgeous, plus expert advice from "Personal Plant Shoppers"! Proceeds support the important work of Native Plant Salvage.

Acids

It stings
Salish Sea
My feet in the water of the beach
at hemp fest
Burn like the roach of a joint
The fire too close to my skin

Bases
It’s smooth
Olympia bays
My hands in the water
Feet on the shore of Burfoot
Slick like extra smooth conditioner
Running down my arm into the
drain

Becquerels
It boils
Sea of Japan
Nothing in the water
Off the coast of Fukushima
Melted down reactor poaches
mother earth
As she screams like a lobster

Neurotoxins
It degenerates
Mississippi Delta
Shrimp in the water
Loose their eyes to dispersants
Generations of Cajun traditions
Lost like the profits of Deepwater
horizon

H₂O
It purified
Holy waters
Gone are the days
Of immersion into sacred Jordan
Bodies of living grounding fresh
water
Unemployable baptismal pools of
cancer risk

Pollution
It stings slips it boils slicks
sickening
Acid rain bites back
Poseidon attacks as in days past
When waters flee before a
tsunami
Yet still we ignore
Signs from the shore

—Lennée Reid

Lennée Reid is a truth seeker, nature lover, poet and spoken word artist. She has one child and lives in Olympia. She can also be found on YouTube.

Immigrants or refugees—who are the kids on the Texas/Mexico border?

Emily Lardner

Why would you send your children to another country—on a journey both you and your children knew to be dangerous, a journey that will cost most or all of what you have, with an outcome that’s uncertain?

President Obama and Secretary of State John Kerry seem to believe that parents in Honduras, El Salvador and Guatemala don’t know how dangerous the trip from these countries to the United States can be. If families knew, they wouldn’t send their kids here.

What if we assume that parents and families in Central America are aware of the dangers and are making a rational choice? If we assume that families in Central America love their children as we love our children, we will understand this complex situation better.

Why kids are coming

In fiscal year 2014, the U.S. government expects that 90,000 children who are either unaccompanied or separated from their families will cross the border into the United States, most of them through Mexico. 38,833 kids crossed the border in fiscal year 2013. Seventy-four percent of these kids come from three countries: Honduras, El Salvador, and Guatemala.

The United National High Commission for Refugees (UNCHR) registered an increase in the number of asylum-seekers—children and adults—from El Salvador, Honduras and Guatemala beginning in 2009, not only in the U.S. but also in surrounding countries. Combined, Mexico, Panama, Nicaragua, Costa Rica and Belize documented a 435 percent increase in asylum applications since 2009 from those three countries.

Between May and August, 2013, UNCHR conducted 400 individual interviews with children, approximately 100 from each of these countries—Mexico, El Salvador, Guatemala and Honduras, to find out why these children were leaving their countries of origin, and whether any of them were in need of international protection. All of the children interviewed were part of the “surge” of immigrants to the U.S. arriving after October 2011.

The UNCHR study found that at least 58 percent of the 404 children interviewed “were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection” (Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, UNCHR). The two overarching patterns of harm that emerged from the interviews were violence by organized criminal actors and violence in the home. Forty-eight percent of children interviewed shared experiences of being personally affected by the violence of organized, armed, criminal actors, including drug cartels and gangs, or State actors. Twenty-one percent of children

reported surviving abuse and violence in their homes by caretakers. Both issues—violence in the home, and violence at the hand of organized, armed actors—are internationally recognized as legitimate reasons for offering asylum to children.

In the U.S., these issues may justify the use of a special immigrant juvenile visa (SIJ). Reporting for the Houston Chronicle on August 14, Lomi Kriel interviewed David Thronson, a law professor at Michigan State University who specializes in SIJ issues. According to

President Molina’s “government has presided over the largest escalation of attacks on human rights defenders in Guatemala since the civil war. In 2013 alone, attacks on journalists, indigenous leaders, unionists, and judicial workers increased by a whopping 126 percent.”

Thronson, “when we work with children in any other situation in this country we generally talk about what’s in the best interest of the kids, that’s what we use as our yard stick. But this is the only place in immigration law where the best interest of the child is mentioned.”

According to Kriel, the Office of Refugee Resettlement has estimated that at least a quarter of all unaccompanied kids who arrived in the U.S. in fiscal year 2011 could—under current law—be eligible for special immigrant juvenile visas.

Why kids are leaving

Honduras currently leads the world in murder rates, and the top three municipalities sending children to the U.S. are all in that country. Five years ago, a military coup deposed the democratically-elected president of Honduras, Manuel Zelaya, with backing from the U.S. The leader of the ruling National Party supporting the coup,

Juan Hernández, ran for president last fall against Zelaya’s wife, Xiomara Castro de Zelaya. Although Castro de Zelaya was ahead in the polls leading up to the election, Hernandez, who ran on the promise of putting “a soldier on every corner” won.

According to a report filed by Dan Beeton on June 28, 2014 with Al Jazeera America, even as President Hernández has made a militarized policing approach the cornerstone of his new administration, efforts to reform the police have failed. Evidence of police death squads began to emerge over a year ago. The U.S. State Department has defended its support for the police as being the lesser of two evils. The State Department is now prepared to spend more money to back Hernández’s brutal regime.

El Salvador

El Salvador has the second highest murder rate. Elizabeth Kennedy, a Fulbright Fellow

working with child and youth migrants who returned to El Salvador from Mexico and the US, conducted a study in which she interviewed 322 youth between January and May 2014 about why they left. In “No Childhood Here: Why Central American Children are Fleeing Their Homes,” Kennedy reports that 59 percent of Salvadoran boys and 61 percent of Salvadoran girls list crime, gang threats or violence as a reason for emigration. Males feared most assault or death for not joining gangs or interacting with corrupt government officials, while females most feared rape or disappearance at the hands of those same groups. About half the minors Kennedy interviewed reported hearing gunshots nightly.

The U.S. has played a role in the explosion of gang violence in El Salvador, which has roots in the 12-year civil war that ended in 1992. During the war, the U.S. backed a repressive regime that attacked citizens with paramilitary death

► REFUGEES, continued on page 7.

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► **Refugees**, cont. from page 6.

squads. A culture of violence ensued, which today's gang leaders grew up in—Salvadoran gang members also exported violent gang culture from L.A.

In 2012, the two largest and deadliest street gangs—the Mara Salvatrucha, or MS-13, and Barrio 18—agreed to a cease-fire, but the truce has been crumbling. In May 2014, the weekend before the new president, Sánchez Cerén, took office, 81 people were murdered, including six who were shot when a group of gunmen dressed in road worker uniforms boarded a bus and began firing.

Guatemala

Guatemala, too, has a history of violence and repression supported by the U.S. The C.I.A. backed a coup against a democratically elected president, Jacobo Arbenz, in 1954, before Arbenz could nationalize the United Fruit Company and legalize the Communist Party. The coup prompted an armed response, which led to an even more vicious government crackdown backed by the U.S. A thirty-six year civil war followed, ending in 1996.

Although the former dictator, Efraín Ríos Montt, was convicted of genocide last year, the current president has been implicated in wartime atrocities as well. In addition, as Nathalie Babbiste reports in *Foreign Policy in Focus* (7/18/14), President Molina's "government has presided over the largest escalation of attacks on human rights defenders in Guatemala since the civil war. In 2013 alone, attacks on journalists, indigenous leaders, unionists, and judicial workers increased by a whopping 126 percent."

Conservatives cast a long, blind eye to history

The counter-narrative to the UNCHR report was embodied in the group of protestors who met the bus full of unaccompanied minors in near the San Diego/Mexico border with cries of "go home." The counter-narrative is simple: send the "illegal immigrants" back, regardless of age, regardless of outcome.

In an article in the *Los Angeles Times* published on August 16, Cindy Carcamo quotes Hector Hernandez, director of a morgue in San Pedro Sula, who explains that many youngsters deported from the U.S. to Honduras "return just to die." Hernandez told Carcamo that "at least five, and perhaps as many as 10, of the 42 children slain here since February had been recently deported from the U.S."

But anti-immigrant fever is hot. Roy Beck's website, NumbersUSA, has an interactive map on its website called "not in my backyard" to help citizens see and protest the possibility of housing "illegal aliens" (<https://www.numbersusa.com/news/not-my-backyard-feds-efforts->

relocate-illegal-aliens-border). Bill Halsan (R), the governor of Tennessee made a big fuss about the deleterious effects of allowing refugee children to come to his state, complaining in a letter to the president that while Tennessee is a welcoming state, "an influx of unaccompanied immigrant children to the state, with little information being made available to the public or state leaders, creates confusion and could be very



problematic." Dave Heineman (R), governor of Nebraska, took a similar public position.

No one advocating for deporting the children is willing to consider the arc of history, nor the role of U.S. interventions in the Guatemala, El Salvador and Honduras, nor are they willing to allow that we bear responsibility for the consequences of our actions. This blind eye to history casts a long and ominous shadow, and it clouds our current collective vision.

What's being proposed

Under the Bush Administration, Congress established rules about how to handle children who cross our borders. Some additional protections for children were added under the Trafficking Victims Protection Reauthorization Act in 2008. Republicans want to repeal these provisions, which require that child migrants who are not from Mexico be taken into custody, screened, and transferred within 72 hours to the Office of Refugee Resettlement (ORR), part of the Department of Health and Human Services (HHS). HHS is charged with finding a suitable relative to whom the child can be released, or putting the child in long-term foster care.

According to a *Mother Jones* report, in fiscal 2011, ORR had 53 shelters that housed 6,560 kids. By 2013, there were 80 shelters with nearly 25,000 kids. When the surge began, the feds temporarily put kids up in used dormitories on military bases (which is why JBLM was a potential site as well). ORR is short on beds.

The Border Patrol, which is in charge of screening kids, is short-staffed and not adequately prepared to interview children. The Obama administration has asked for \$3.7 billion in emergency funding to handle the children and families who are here, and to try to deter future entries. About ten percent of that would be allocated to increase Border

Patrol's ability to screen and house children—child welfare advocates object to this approach. The Senate appears willing to allocate \$2.7 billion, with funds going for shelter and legal representation for immigrant children. The House wants the funds it is willing to allocate, \$659 million, to help send the National Guard to the U.S. border.

The Congressional Progressive Caucus, child advocates, and others are advocating that the current laws to protect children not be repealed. Instead, in their document "Kids First: A Response to the Southern Border Humanitarian Crisis", they argue that our collective response should focus on meeting the needs of the children and ensuring their safety post-processing rather than focusing on "increasing ineffective border security." As well, they argue, we need to address the root causes of migration, and improve resources and coordination.

The presidents of Honduras and Guatemala seem uninterested in addressing root causes; they want

more money to further militarize their countries. In June, the Obama administration announced that it would provide \$18.5 million in additional funding to Honduras, plus additional funds for ongoing bilateral aid for military cooperation. This money is being funneled through the Central American Regional Security Initiative (CARSI). The U.S. has already spent \$800 million on the initiative since 2008, but drug and gang violence in the region has only worsened. In spite of this evidence, which mirrors the results of Plan Columbia in Columbia, at the end of the July in a meeting with President Obama, Presidents Hernández and Molinas asked for a new robust militarized initiative modeled on Plan Columbia.

More than 100 members of Congress wrote a letter to Secretary of State John Kerry in May 2014, asking him to stop funding the military in Honduras because of the egregious record of human rights violations. The letter appears to have made no difference. The Obama administration seems dangerously or willfully blind to the consequences of its policies to militarize right wing governments in Central and South America. As Héctor Silva Avalos pointed out in an article in the *New York Times* on July 8, "rather than push for desperately needed political and economic reforms in Central America, Washington has focused on 'citizen security' programs in partnership with the same elites and security forces that, through negligence or corruption, have long been part of the violence problem."

Given all this, what are families in Honduras, Guatemala, and El Salvador to do? More to the point, what should we do?

Emily Lardner teaches at The Evergreen State College and co-directs The Washington Center for Improving Undergraduate Education, a public service of the college.

Federal Court asked to block deportation hearings for children without legal representation

SEATTLE - Northwest Immigrant Rights Project, The American Civil Liberties Union, American Immigration Council, Public Counsel, and K&L Gates LLP have asked a federal court to immediately block the government from pursuing deportation proceedings against several children unless it ensures those youth have legal representation. The move comes as immigration courts are speeding up deportation hearings against children in an expedited process sometimes referred to as a "rocket docket."

The groups filed a lawsuit last month on behalf of thousands of children challenging the federal government's failure to provide them with lawyers in their deportation hearings.

"These children need legal representation in order to ensure that their legal rights to a full and fair hearing are not violated," said Matt Adams, legal director of the Northwest Immigrant Rights Project. "Instead of protecting the children's legal rights, the government has turned around and implemented an expedited deportation process that further undermines the already meager protections that exist."

The plaintiffs cited in the motion are:

- A 10-year-old boy, his 13-year-old brother, and 15-year-old sister from El Salvador, whose father was murdered in front of their eyes. The father was targeted because he and the mother ran a rehabilitation center for people trying to leave gangs.
- A 14-year-old girl who had been living with her grandparents, but was forced to flee El Salvador after being threatened and then attacked by gang members.
- A 15-year-old boy who was abandoned and abused in Guatemala, and came to the United States without any family or friends.
- A 17-year-old boy who fled gang violence and recruitment in Guatemala and now lives with his lawful permanent-resident father in Los Angeles.

"In the rush to schedule children's immigration court hearings immediately, we cannot lose sight of the government's obligation to ensure due process," said Beth Werlin, deputy legal director of the American Immigration Council. "Many children are eligible to remain in the United States, but may be ordered deported simply because they do not understand our complex immigration laws and how to prove their claims."

The government initiates immigration court proceedings against thousands of children each year. Some of these youth have lived in the U.S. for years, and many have fled violence and persecution in their home countries.

The lawsuit charges several government agencies with violating the U.S. Constitution's Fifth Amendment Due Process Clause and the Immigration and Nationality Act's provisions requiring a "full and fair hearing" before an immigration judge.

—Northwest Immigrant Rights Project

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Negotiating in bad faith; Israel determined to undermine ceasefires in pursuit of Hamas

Gaza at the whim of the United States and Egypt in their unequal support of Israel

Marco Rosaire Rossi

Despite the ping-ponging between various diplomats and international agencies on the specifics of a peace plan to end the violence in Gaza, there has yet to be any plan that is acceptable to both sides. The major impasse is that Hamas, knowing the people of Gaza have survived for nearly a decade under a brutal economic blockade that has denied them essential resources, is trying to use the crisis as an opportunity to end Israel's economic siege of Gaza. Meanwhile Israel, frustrated by Mahmoud Abbas' attempt at a reconciliation government with Hamas, is seeking to strangle the organization, even if it has to destroy all of Gaza in the process. Breaking through this impasse in the immediate future is unlikely. At most, what we can expect is a lukewarm ceasefire that will stay the hand of violence until another crisis emerges. In addition, and quite tragically, the context of the impasses is still misunderstood by the majority of Westerns. For the most part, the Western press has blamed this stalemate on Hamas while absolving Israel of

will continue to bomb Gaza; if civilians happen to die, it is their fault for being there. While the United Nations Security Council's call for a ceasefire rapidly descended into irrelevancy, Egypt—under the guidance of Abdel Fattah al-Sisi—offered its own ceasefire plan. This time Hamas rejected it, openly and formally. The decision was controversial, but it was not without its reasons. Abdel Fattah al-Sisi's military government is adamantly opposed to Hamas. Seeing the organization as an extension of Egypt's own Muslim Brotherhood, Abdel Fattah al-Sisi views the marginalizing of Hamas as essential to his own domestic consolidation of power. For this reason, the terms of the ceasefire that Abdel Fattah al-Sisi put forward conceded nothing to Hamas. It left the brutal economic blockade of Gaza in place and made no promise to address the underlining issues of the conflict. Hamas, interpreting Egypt's offer as a form of capitulation, decided to reject. Hamas' rejection of the Egyptian plan was widely reported in the Western

humanitarian aid and to give refugees a chance to escape the violence; in other words, he called for Israel and Egypt to follow basic humanitarian requirements established for them under well-known international laws. Unfortunately, this framework for peace was rejected by Israel. Israel did eventually agree to the idea, first proposed by Khaled Meshaal, of a humanitarian truce to allow aid to get Secretary of State John Kerry made it clear to Netanyahu that the United States would not protest the destruction of Gaza's tunnels during any truce. Kerry, for all his diplomatic showmanship, planned from the start to double cross Hamas.

underground tunnel network would of course be a military operation, and that meant that their offer to extend the truce was an extension that would only apply to Hamas. In an eerie Orwellian manner the same *New York Times* article admitted as much. It quoted Israeli chief of military intelligence Amos Yadlin saying that an extension of the truce would allow Israel “to destroy the tunnels,” and since that “was the mission anyway...why not do it with no fire around?” Even more upsetting, the plan to destroy the tunnels was known and agreed upon by John Kerry beforehand. When Kerry initially presented his terms for a weeklong ceasefire, Israeli officials balked at the fact that the plan had nothing in it about Israel's right to destroy Gaza's tunnel network. This was intentional. There was no way Hamas would agree to such a plan and the United States knew that. According an article published in *Ha'artez*, a senior American official admitted that the issue of tunnel destruction was deliberately left out of the plan, but not because the US was insensitive to Israel's military objectives. In private conversations the Secretary of State made it clear to Netanyahu that the United States would not protest the destruction of Gaza's tunnels during any truce. Kerry, for all his diplomatic showmanship, planned from the start to double cross Hamas. On July 28, the United Nations Security Council attempted to reassert its importance in the conflict by again calling for a ceasefire. Again, the call for a ceasefire was merely a statement from the Security Council and not a binding resolution. Despite hard lobbying for Security Council action, Palestinian Ambassador to the United Nations Riyad Mansour was extremely dismayed by the lackluster response. In vain, he pleaded with the Security Council to take bolder action only to have the United States openly stymie any attempt to end the violence through the use of international law. While the United States locked the Security Council away from the scene, the United Nations Secretary General Ban Ki Moon actively worked with John Kerry to devise another humanitarian ceasefire that was scheduled to begin on July 31. This truce was intended to last seventy-two hours, but it was immediately broken by Israel. Kerry, in a constant effort to appear conciliatory while supporting Israel's militarism, managed to secure a humanitarian ceasefire with Hamas and the support of the United Nations by outlining terms that called for the cessation of all military actions. However, immediately after the ceasefire was announced Israel claimed that the ceasefire did end all military actions, with the exception of the destruction of Gaza's underground tunnel networks, and these were the terms explained to them by Kerry. Marco Rosaire Rossi is a graduate of the University for Peace in Costa Rica and a resident of Olympia.



responsibility. The reality is much different. Far more so than Hamas, it is Israel—with the support of the United States—that is responsible for preventing a viable peace plan from emerging, and, without continual international pressure, Israel will not move from this reckless position. Gaza—On July 12, shortly after Israel's most recent assault on Gaza, the United Nations Security Council released a statement that called on both Hamas and Israel to initiate an “immediate, durable and fully respected ceasefire” that would eventually lead to “the full withdrawal of Israeli forces from Gaza.” The statement was merely a press release, not a resolution, and, because of this, it was not legally binding. The following day Israel sent leaflets over the town of Beit Lahiya located in northern Gaza that read: “Those who fail to comply with the instructions to leave immediately will endanger their lives and the lives of their families. Beware.” The message was clear: we are ignoring calls for a ceasefire; we

press, and exploited by Israel to escalate the conflict further. But, a depiction of Hamas as an erratic political party, myopically determined in its destruction of Israel, is a caricature of the organization. What was not widely reported within the Western media is that though Hamas rejected the Egyptian ceasefire plan, party leader Khaled Meshaal made clear that the organization was open to other ceasefire efforts. Speaking in Doha, Qatar on July 24, Meshaal outlined Hamas' own terms for the cessation of hostilities: that Israel end its economic blockade of Gaza, that Palestinian political prisoners are released, and that the Egyptian border to Gaza is eased to allow access to

to areas hardest hit by the conflict, but this was their compromised position. The original proposal, presented to Israel by Secretary of State John Kerry, was for a weeklong truce between Israel and Hamas. During this time security arrangements and a possible lifting of the blockade on Gaza would be discussed under the guidance of Egyptian negotiators. Hamas agreed to these terms—a dramatic concession from their original position—but the Israeli Security Cabinet scoffed at them. According to the Israeli newspaper *Ha'artez*, the Security Cabinet referred to Kerry's ceasefire plan as a “prize for terror.” Apparently, it was only after some diplomatic cajoling on the part of Kerry that Israel agreed to the twelve hour humanitarian truce that lasted from July 25 to July 26. When the time period of the truce ended, it was widely reported that Israel had offered to extend the truce only to have their plan rejected by Hamas. The *New York Times* ran an article on July 27 entitled “Israel Extends Cease-Fire in Gaza, a U.N. Request Rejected by Hamas.” The insinuation was that Israel desired peace, only to have their efforts dashed by an erratic Hamas. The title could not be more misleading. It is true that Israel offered to extend the truce, but only on the condition that its soldiers would be allowed to stay in Gaza and destroy the area's underground tunnel system. Gaza's network of underground tunnels originally developed as a means of subverting the economic blockade. For a few years, the tunnel system was the only way essentials such as food, medicine, concrete, and fuel made it into Gaza. As Abdel Fattah al-Sisi came to power in Egypt through the military coup, he sealed off all the Gaza tunnels into Egypt. Since then the tunnels have been used for organizing guerilla campaigns, and were used with marginal success against Israeli ground forces once they entered Gaza. Israel's destruction of the

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► **The facade**, cont. from page 2.

The manufacturing, service and retail operations involve many companies that are viewed financially as a single entity. Net earnings for this group in 2013 were \$4.2 billion.

Lastly, the financial and financial products group is the smallest sector of the four. It includes XTRA and CORT, both rental companies headed by Jeff Pederson and Bill Franz. Clayton Homes, a leader in producing and financing manufactured homes, is under the direction of CEO Kevin Clayton. Pre-tax earnings in 2013 for this sector were \$985 million.

Within the non-insurance groups lies what is referred to as the “Powerhouse Five”. The five increased its pre-tax earnings by \$758 million in 2012, to a record \$10.8 billion in 2013. The five are MidAmerican Energy, Burlington Northern Santa Fe(BNSF), ISCAR, Lubrizol and Marmon. In 2013, MidAmerican Energy acquired NV Energy, adding to its family of energy related companies that include Pacificorp, Northern Natural Gas and Kern River Gas Transmission.

The remaining four companies all have ties to the oil industry. BNSF Railways is the largest transporter of crude oil in North America. Marmon owns Union Tank Car Company. ISCAR is a “world class manufacture of cutting tools” that can be used by oil and gas equipment manufacturers. Lubrizol makes specialty chemicals, including fuel additives and refinery/oil field products.

Berkshire’s investment portfolio is extensive, but below is a table from Warren Buffett’s most recent letter to shareholders listing the fifteen highest yielding common stock investments for 2013.

Below we list our fifteen common stock investments that at yearend had the largest market value.				
<i>Shares**</i>	<i>Company</i>	<i>Percentage of Company Owned</i>	<i>12/31/13 Cost*</i>	<i>Market</i>
<i>(in millions)</i>				
151,610,700	American Express Company	14.2	\$ 1,287	\$ 13,756
400,000,000	The Coca-Cola Company	9.1	1,299	16,524
22,238,900	DIRECTV	4.2	1,017	1,536
41,129,643	Exxon Mobil Corp.	0.9	3,737	4,162
13,062,594	The Goldman Sachs Group, Inc.	2.8	750	2,315
68,121,984	International Business Machines Corp.	6.3	11,681	12,778
24,669,778	Moody’s Corporation	11.5	248	1,936
20,060,390	Munich Re	11.2	2,990	4,415
20,668,118	Phillips 66	3.4	660	1,594
52,477,678	The Procter & Gamble Company	1.9	336	4,272
22,169,930	Sanofi	1.7	1,747	2,354
301,046,076	Tesco plc	3.7	1,699	1,666
96,117,069	U.S. Bancorp	5.3	3,002	3,883
56,805,984	Wal-Mart Stores, Inc.	1.8	2,976	4,470
483,470,853	Wells Fargo & Company	9.2	11,871	21,950
	Others		11,281	19,894
	Total Common Stocks Carried at Market ...		\$56,581	\$117,505
*This is our actual purchase price and also our tax basis; GAAP “cost” differs in a few cases because of write-ups or write-downs that have been required under its rules.				
**Excludes shares held by Berkshire subsidiary pension funds.				

According to its Owner’s Manual, Berkshire Hathaway measures its performance via per-share progress rather than by size. Because of the large amounts of capital it currently holds, it is more difficult for Berkshire Hathaway to perform as well as in earlier years when it held capital in smaller sums. Therefore, the company prefers to own a diversified group of businesses that generate cash and earn above average returns on capital, as opposed to owning parts of similar businesses through common stock. In the past three years Berkshire Hathaway acquired seven companies, its largest acquisition proving quite lucrative—BNSF Railway Company.

In October of 2009 while in Fort Worth on other business, Warren Buffett paid a visit to CEO Matthew Rose at BNSF. One day later, Buffett proposed a merger between the two companies. Berkshire already owned 22.6 percent of BNSF common stock—now Buffet would buy the rest for \$34 billion, making it the largest deal in Berkshire’s history. In the press release issued a little over a week later, the merger was announced

with Buffett’s description of the deal as an “all-in wager on the economic future of the United States.” The estimated value of the merger was set at \$44 billion. Berkshire Hathaway added 65,000 new shareholders to its base. The merger was completed February 10, 2010.

BNSF and the virtual pipeline

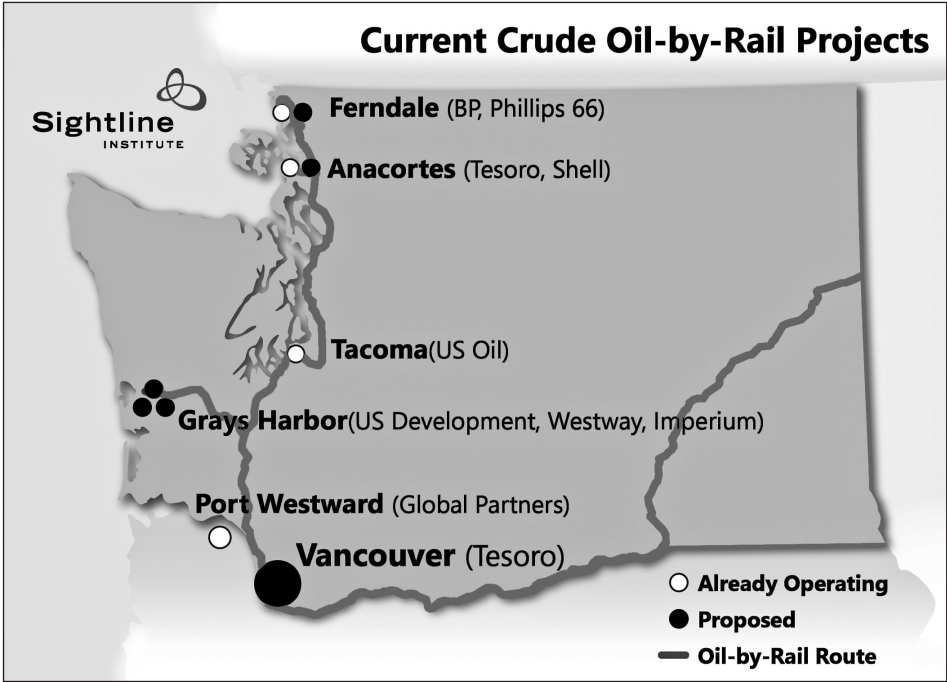
BNSF Railway Company is the second largest freight transportation system in North America, following Union Pacific Railroad. Its rail network spans 32,500 route miles in 28 states and two Canadian provinces. Headquartered in Fort Worth, Texas, it employs 43,000 people and transports agricultural, consumer and industrial products as well as coal and crude oil. In 2013, it handled 10.1 million carloads and generated \$22 billion in revenues.

On January 1, 2014, Carl Ice was promoted from president and COO to CEO, replacing Matthew Rose, who now holds the Executive Chairman role and works with managers on long-term organizational planning and public policy. In 2010, after the merger with Berkshire Hathaway was complete, Warren Buffett and Vice Chairman Charlie Munger said that Rose’s role at BNSF was a benefit of buying the railroad because they trusted and admired him. That admiration may have been forged by Rose’s ability to recognize and orchestrate the business opportunity that not only make BNSF the lead crude transport, but eventually lead to the crude by rail boom.

In 2009, Mark Papa, CEO of EOG Resources (formerly Enron Oil & Gas Co. and heavily invested in the fracking industry), started fracking in North Dakota to increase crude oil production. No existing pipeline

was adequate to accommodate the volume that fracking was producing and trucking was not a viable means of transport. Although crude by rail was still in an experimental phase, Papa met with BNSF CEO Rose—the largest rail operator in North Dakota. Rose recalled in a 2013 *Wall Street Journal* article that BNSF had railed its own fuel “but nothing of this magnitude,” yet the two companies agreed to a transportation arrangement. EOG would build the first unit train facility in Stanley, North Dakota and would launch its first shipment via BNSF on December 31, 2009.

More big oil companies came calling and Rose explained to early customers that in order to compete with pipelines, BNSF would need to use long unit trains—100 or more cars carrying one commodity. They would also build big loop tracks into the oil companies’ facilities to make the process efficient. In the next few years, BNSF invested \$540 million in North Dakota rail infrastructure and by 2012 had increased capacity to one million barrels of crude per day out of



the Williston Basin in North Dakota.

Rose identified the need for the oil companies to get their product to markets; he found a way to compete with pipelines despite the higher price tag for railings crude. BNSF had the advantage because they could readily expand their infrastructure and had the flexibility to deliver to more markets, allowing oil companies to seek more buyers. The partnership with EOG Resources provided the blueprint for a convincing business plan that carried with it the promise of new clients. BNSF needed a large amount of capital to address expansion needs and Berkshire Hathaway saw a promising investment. Although it was characterized by Warren Buffett as patriotic commerce, it was the lure of new profits that was irresistible to the so-called “Oracle of Omaha”.

In 2014, Berkshire Hathaway has committed to a record \$5 billion in capital investments for BNSF. \$2.3 billion will be allocated for its rail network, \$1.6 will be directed toward the acquisition of new trains and equipment, \$900 million for terminal and intermodal expansion, and \$200 million will pay for installing Positive Train Control (PTC)—a centralized communication system that helps keep trains from speeding and colliding. Part of the investment will go toward handling the 11 percent volume increase in industrial products, including crude oil.

While Rose has relinquished his CEO position to Carl Ice, the role of Chairman at BNSF will give him the opportunity to hone new skills. He is frequently shortlisted as Warren Buffett’s successor. Any loss of sleep he may have experienced from the stress of the merger has likely been justified in his mind. Yet, one may wonder if Matthew Rose experiences any insomnia over the more recent developments that have brought into question the safety of crude by rail.

BNSF In Washington State

Of the \$5 billion that BNSF has committed to 2014 capital investments, \$1 billion is being dedicated to the Northern Corridor, stretching from the Pacific Northwest to Chicago. As stated in a press release:

“Following our record capital investment in 2013 of \$4 billion, we are making the most significant capital investment in our history of approximately \$5 billion this year,” said Carl Ice. “Our capital investments along the Northern Corridor are critical to expanding our capacity to support the region’s rapidly growing economy, improving our ability to meet our customers’ expectations and ensuring our railroad remains the safest mode of ground transportation for freight.”

Outlined in the same press release, are the allocations for the state of Washington:

“BNSF plans to invest approximately \$235 million in Washington to expand rail capacity, replace and maintain the network infrastructure, and continue the implementation of PTC technology.”

Expansion projects include:

- Constructing second mainline track at various locations on the route between Cheney, Washington and Mesa, Washington.
- Constructing two new staging tracks near Everett, Washington.
- Installing a power switch at Anacortes, Washington.
- Planned property improvements to enhance operations at the intermodal facilities in Spokane and South Seattle, Washington.

Maintenance projects include:

- Surfacing and undercutting of more than 1,200 miles of track.
- Replacing about 60 miles of rail.
- Replacing more than 113,000 ties.”

Above is a map created by the Sightline Institute of Seattle showing current and proposed oil terminals in Washington. According to Eric de Place, policy director for the Institute, approval of all six terminals would increase crude oil volume capacity to 858,800 barrels per day, exceeding the capacity of the Keystone XL pipeline. Current rail infrastructure is inadequate for such volumes, warranting the major investment in expansion by BNSF.

Three prominent BNSF figures in Washington are Johan Hellman, Executive Director, State Government Affairs for Washington, Oregon and British Columbia; Gus Melonas, Director of Public Affairs; and Courtney Wallace, Regional Director for Public Affairs. They have been representing their company well and are often found outside of their offices, located at 2454 Occidental Avenue South, Building 1A in Seattle. Mr. Hellman has been circulating the state, attending various council meetings to promote the expansion measures with an emphasis on the safety factor. As spokespersons, Mr. Melonas and Ms. Wallace make many appearances in the Washington media—both broadcast and print—to address current issues involving the railroad.

The Safety Mantra

Safety concerns may not have entered the 2009 conversation between Mark Papa and Matthew Rose, but currently, BNSF Railroad adamantly emphasizes its safety prioritization. Johan Hellman was quoted in a March 2014 *Businessweek* article saying, “Safety is our number one priority.” “For us, safety isn’t a slogan—safety is central to everything we do,” writes Daryl Ness, Northwest Division general manager of BNSF Railway, in his *Bellingham Herald* op-ed. “No matter what we carry, there is absolutely nothing more important than doing it safely,” writes Steve Nettleton, general manager of BNSF Railway’s Powder River Division, in his May 2014 *Casper Star Tribune* op-ed. Jason Jenkins, general manager of BNSF Chicago division concurs.

► **THE FACADE**, continued on page 10.

► **The facade**, cont. from page 9.

“Safety is our primary concern”, he tells the *LaCrosse Tribune* readership in a June 2014 op-ed. Indeed, since the beginning of 2014, there has been a plethora of opinion articles found in papers across the country, penned by BNSF Railway managers, all making the same proclamations.

If one visits the BNSF website, it won’t take long to stumble upon the safety mantra. On its Safety and Security page it states, “We foster a culture that makes safety our highest priority and provides continuous self-examination as to the effectiveness of our safety process and performance.” The second sentence of Carl Ice’s message in the 2013 Annual Review read, “Nothing is more important to us than safety.” Company prepared PowerPoint presentations tout 2013 as its safest year to date and share its philosophy that every accident is preventable. Annual capital expenditure figures are charted in the billions and typically pair safety with expansion, but what’s missing from the equation is adequacy. Will these measures be enough to provide the safety that BNFS promises and the public deserves? More disturbing, is this authentic concern or a facade used to quash public opposition?

RBN Energy, LLC provides consulting services to the energy industry. On February 5, 2013, prior to derailments in Quebec, Alabama, North Dakota and Virginia, Sandy Fielden posted an article titled, “Crude Loves Rocking Rail—The Year of the Tank Car”. It details the crude by rail boom from an energy analyst’s perspective. Near the end of the article, Fielden includes this prophetic paragraph:

“Safety Risks: One issue that has so far thankfully not received a great deal of attention is the safety risk of moving crude by rail. A recent Manhattan Institute report determined that

rail accidents occur 34 times more frequently than pipeline ones for every ton of crude or other hazardous material shipped comparable distances. The Association of American Railroads (AAR) acknowledges the likelihood of a rail accident is double or triple the chance of a pipeline problem. A single incident could easily change the entire debate about rail versus pipeline safety.”

The Manhattan Institute is a think tank that is partly funded by such oil interests as Exxon Mobil and the Koch Family Foundation, proponents of the pipelines, making their methodology suspect to bias. However, the AAR represents North America’s freight railroads and Amtrak. Their

acknowledgement carries greater credibility.

In February of 2014, BNSF took the unusual step toward reinforcing the safety mantra. The railroad announced that it would purchase 5000 next-generation tank cars, claiming a desire to stimulate the industry toward the replacement of vulnerable DOT-111 cars that are currently used for crude transport. According to the trade association Railway Supply Institute, of the 39,000 DOT-111’s transporting crude oil, less than one-third are new or retrofitted to meet the industry’s 2011 voluntary safety guidelines. While railroads typically do not own the tank cars, only the engines and the track, BNSF has solicited bids

from major rail car manufacturers for the 5000 cars. By some estimations this could cost the company nearly \$1 billion. During an April workshop with the Vancouver City Council, Patrick Brady, Director of Hazardous Materials, Special Operations for BNSF, was asked by a council member for the estimated time frame until all tank cars moving through Vancouver would be the new models. Brady said the company hoped that would happen in five to seven years. Considering four significant derailments occurred in a time span of less than one year, the context of adequacy once again arises.

Besides repeating the safety mantra, Jason Jenkins’ op-ed published in the *LaCrosse Tribune* also enlightened readers to the fact that the railroad doesn’t own tank cars, but was “actively lobbying” to increase the required safety standards for the cars.

Ajay, a *Tribune* reader, challenged Mr. Jenkins’ argument with some hard hitting reality, revealing the mantra’s vulnerability. Ajay posted, “If BNSF’s number one priority is safety, then BNSF should refuse to ship highly volatile, Bakken crude oil using substandard DOT-111 tank cars. Yes, we get it. We understand that you don’t own the tank cars. But you do (glady) take millions of dollars from the oil companies who lease these substandard tank cars to transport this oil through La Crosse. Maybe BNSF’s number two goal is safety, but the number one goal is profit. Get real. It’s all about money! If BNSF’s number one goal is safety, then take a stand and ban all unsafe substandard DOT-111 tank cars from all of your lines that criss-cross the country.”

Perhaps that challenge would be more aptly posed to Jason Jenkins’ superiors. What say you, Matthew Rose? Still investing in America, Mr. Buffett, risking human life every day as your “safety is number one” railroad continues to use compromised oil tankers? The American public can see through your false patriotism. You are no Uncle Sam.

J. C. Kadin writes from her home state of Wisconsin, where she became involved in organizing during its Uprising.

BP’s annual review of energy statistics highlights

- Global primary energy consumption increased by 2.3% in 2013
- All fuels except oil, nuclear power and renewables in power generation grew at below-average rates for all regions except North America.
- Oil remains the world’s leading fuel, with 32.9% of global energy consumption, though its current market share is the lowest since 1965.

Oil

- Global oil consumption grew by 1.4 million barrels per day (b/d).
- The US (+400,000 b/d) recorded the largest increase to global oil consumption, outpacing Chinese growth (+390,000 b/d) for first time since 1999.
- While global oil production did not keep pace with global consumption, the US (+1.1 million b/d) recorded the largest growth in the world and the largest annual increment in its history for a second consecutive year.
- OECD refinery throughputs declined by 340,000 b/d, the seventh decline in nine years despite an increase of 320,000 b/d in US refinery runs, as the US continued to ramp up net exports.
- Global proved reserves of oil grew to 1688 billion barrels, sufficient for 53.3 years of global production.

Natural gas

- World natural gas consumption grew 1.4%, below historical average of 2.6%.
- Growth was below average in every region except North America. China (+10.8%) and the US (+2.4%) recorded the largest growth increments, together accounting for 81% of global growth.
- Global proved reserves of natural gas increased to 185.7 trillion cubic meters (tcm), sufficient to meet 54.8 years of global production.

Other fuels

- Coal consumption grew by 3% , well below the 10-year average of 3.9% but it is still the fastest-growing fossil fuel.
- Global biofuels production grew by a below-average 6.1% (80,000 b/doe), driven by increases in the two largest producers: Brazil and the US.

—BP Statistical Review of World Energy 2014

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—Danny Glover

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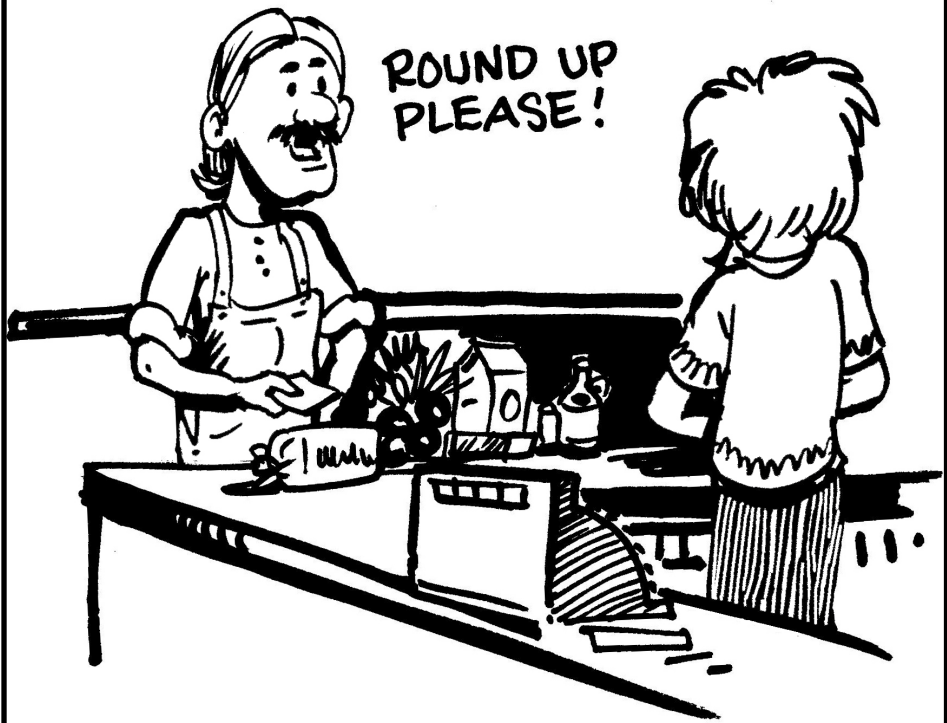
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Arab Fest Shuruq II 2014

Saturday October 4, 11 am - 7 pm

Olympia Community Center

222 Columbia Street NW

During the Fall Arts Walk, the Rachel Corrie Foundation for Peace and Justice will host Olympia's second Arab Festival - Shuruq II. This fun-packed celebration of Arab culture features music, dance, art, food, educational panels and speakers, vendor and country tables, children's activities, films and more.

The Arab Festival Cafe and Lounge (5 pm Friday - 5 pm Saturday at the Rafah mural site) features music, dancing, games, refreshments, and hookahs!

On Saturday, Olympia Arab Festival - Shuruq II unfolds at The Olympia Center, 11 am to 7 pm, with fabulous Arab food, debke and belly dancing, the critically acclaimed House of Tarab Arabic Music Ensemble from Seattle and other performers, a parade of Arab fashions, and displays and information from all 22 Arab countries!

Join us as our entire community joyfully and authentically celebrates and experiences the food, culture, traditions, lifestyles and peoples of the Arab world. We will focus on the diversity and complexity of the Arab peoples by challenging stereotypes, showcasing Arab arts and performance, and celebrating diversity within our own community. Make Arab Festival one of your Fall Arts Walk stops! Admission is FREE to the public.

For information and updates: <http://rachelcorriefoundation.org/> or call the Rachel Corrie Foundation at 360-754-3998.

Volunteers are needed!

EWG opposes USDA recommendation to deregulate 2,4-D-Tolerant corn, soybeans

Washington, DC - A US Dept of Agriculture recommendation to deregulate new varieties of genetically engineered corn and soybean seeds would bring a chemical manufacturer one step closer to selling a new toxic weed killer that would threaten human health and the environment.

"We are truly disappointed in the USDA for failing to stop the chemical treadmill that is harming the health of children, farmers and the environment," said Mary Ellen Kustin, a senior policy analyst with EWG. "We urge the government to put the brakes on allowing more herbicide-tolerant crops and toxic herbicides to hit the market."

The USDA's Animal and Plant Health Inspection Service has recommended the agency deregulate Dow AgroSciences' 2,4-D- and glyphosate-tolerant corn and soybean seeds.

Dow is seeking approval to sell these seeds to be used in tandem with the company's new herbicide, Enlist Duo, a mix of 2,4-D and glyphosate. In a separate regulatory proceeding, Dow asked the U.S. Environmental Protection Agency (EPA) to approve Enlist Duo.

The company is seeking to sell the new seeds and herbicide combo to farmers beset with hardy weeds that have evolved to tolerate glyphosate, the active ingredient in Monsanto's popular weed killer Roundup. In a press release issued earlier this year, it claimed that Enlist Duo would "control and help prevent further

development of herbicide-resistant weeds."

EWG opposes the marketing of this product on grounds that human exposure to 2,4-D has been linked to non-Hodgkin's lymphoma, Parkinson's disease and thyroid problems. As well, EWG contends that it could spur the evolution of new types of "superweeds" resistant to 2,4-D as well as glyphosate.

If EPA approves Enlist Duo, nationwide use of 2,4-D could more than triple by 2020, according to USDA, exposing communities near 2,4-D-resistant-crops to eight times as much of the chemical as today. EWG research shows that more than 5600 schools within 200 feet of farm fields would be blanketed by 2,4-D. As a result, hundreds of thousands of children would be exposed to more intense concentrations of the toxic defoliant than is the case today.

EWG's analysis of EPA's risk assessment of 2,4-D concluded that the agency failed to comply with a provision of the federal Food Quality Protection Act that requires an added margin of safety for substances known to be harmful to children. In June, EWG pointed out this major omission and other significant flaws in its assessment.

Some 35 prominent doctors and scientists have urged EPA to not to approve Dow's Enlist Duo. In all, people submitted than a half a million comments to the EPA opposing the sale of this toxic combination.

—Environmental Working Group

Judge rules Boeing illegally "undermined and tainted" bargaining during Prof and Tech negotiations

The National Labor Relations Board (NLRB) found The Boeing Company violated labor law and is ordering it to provide wage rates, regional salary information and productivity data from various company locations to the Society of Professional Engineering Employees in Aerospace (SPEEA). The order further instructs Boeing to provide notice of the ruling to all the employees whose collective bargaining rights were violated.

Issued Thursday (July 31) from the NLRB national office, the order stemmed from an Unfair Labor Practice (ULP) charge filed by SPEEA during 2012 negotiations for the Professional and Technical units. Issued by Administrative Law Judge Dickie Montemayor, the order said SPEEA's formal data request during negotiations sought relevant information because of statements made by Boeing Vice President of Engineering Mike Delaney at the negotiation table and to the news media.

"The information sought clearly had a bearing on the bargaining process," Montemayor wrote. The company's "failure to provide requested information undermined and tainted the bargaining process."

"The judge's ruling is a complete repudiation of every argument Boeing proffered," said SPEEA Executive Director Ray Goforth. "The long and

difficult negotiations we had in 2012-2013 were a direct result of Boeing engaging in illegal intimidation of employees in the workplace and these illegal tactics at the bargaining table."

In May, Boeing was found guilty of illegally intimidating SPEEA members through the use of surveillance.

"This pattern of disdain towards the workforce and the laws that protect those workers should worry everyone who is a stakeholder in The Boeing Company," Goforth said. "This lawless behavior is not helpful."

A hearing on the charge was held in February, 2014, more than one year after the original filing and when new contracts between Boeing and SPEEA were approved by union members.

One notable defense Boeing made at the hearing was to describe a news article by Bloomberg News as "inaccurate and unreliable." In rejecting this argument, the judge noted that Boeing only made that assertion before him but never sought a retraction or correction from Bloomberg at the time it was published.

—SPEEA



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► **Hobby Lobby**, cont. from page 2.

“preserving the free expression of all faiths.” However, this free expression seems to refer chiefly to the freedom to control other people’s sexual behavior; the bulk of its activities in recent years has involved providing litigation support to Christians who feel their religious liberty is threatened by LGBT rights and the reproductive rights of women. High-profile cases have included *United States v. Windsor* (the Defense of Marriage Act), and *Hollingsworth v. Perry* (regarding California’s Proposition 8). According to Political Research Associates, the organization’s leadership and donor base is made up almost exclusively of conservative Roman Catholics. While enjoying a tax-exempt status, it has engaged in a sustained, and ultimately very successful assault on the ACA. Indeed, the Becket Fund’s dismantling of the contraception mandate of the ACA via the Hobby Lobby lawsuit has proven to be far more damaging than the repeated efforts to repeal the act in the House of Representatives.

The Center for Inquiry (CFI), a non-profit organization which advocates for a secular society, filed an amicus brief in the Hobby Lobby case, asserting that “this case does not involve a burden on religious liberty, but rather a complaint about government policy.” In its brief, CFI contends that making available a third party insurance program where employees may spend their own wages and benefits, “which may, at an indeterminate future date, result in a doctor issuing and a pharmacist filling, a prescription for contraception methods opposed by the corporation’s owners...”

creates an insignificant burden with respect to religious exercise. Indeed, Hobby Lobby provided insurance that allowed for such methods for years without concern or expulsion from the church where they worship. Although the Supreme Court did not question the sincerity of Hobby Lobby’s religious claim, many elements of the situation contrive to create the appearance that the case has less to do with a reverence for life than a desire to use the legal system to attack Obamacare.

Far reaching effects of *Hobby Lobby v. Burwell*

The day after the Supreme Court decision was published in *Hobby Lobby v. Burwell*, SCOTUS issued orders in six other cases involving business owners who objected to birth control mandated under the ACA: in three cases where the lower courts had found in favor of business owners seeking to deny preventive healthcare services to employees, review was denied; in three other cases, SCOTUS ordered the Appeals courts to reconsider decisions previously reached in which the lower courts upheld the employees’ rights to all forms of preventive services provided under the mandate. It should be noted that while the Hobby Lobby case involved just some forms of birth control, the decision impacts cases that often involve all forms of contraception. The Hobby Lobby ruling has essentially destroyed the contraception mandate,

and employers who wish to opt out of covering birth control are now virtually assured the ability to do so.

The possibility of a ruling in Hobby Lobby’s favor by the five male Catholic justices of the Supreme Court was anticipated before it was published, and one potential impact that has been anticipated regards the lawsuit involving the owner of Ralph’s and Bayview supermarkets. In 2007, Stormans, Inc., along with two evangelical Christian pharmacists, sued the state of Washington, claiming that “the plaintiffs’ rights of conscience are violated by regulations adopted by the Board of Pharmacy.” The regulations to

control. Since Hellwege lives in Georgia, and is not even licensed in Florida, it is easy to imagine that she blanketed the South with resumes until she received a response that the ADF could use to claim religious discrimination. While there is no direct evidence that Hellwege or the ADF contacted multiple family planning centers looking for a lawsuit, the ADF has used similar tactics before; after gay marriage became legal in Minnesota and Virginia, the ADF sent a memo to registrars in both states, encouraging them to refuse to issue marriage licenses to same sex couples, and inviting them to contact the group for “legal advice in resolving their conflict,” should any arise.

The ADF has worked as assiduously to undermine LGBT rights and criminalize homosexuality as it has to limit women’s reproductive rights. According to the Southern Poverty Law Center, the group is increasingly committed to international anti-LGBT work and lends legal support to groups which defend statutes that criminalize gay sex as well as laws that punish LGBT advocacy. Benjamin Bull, the executive director of ADF Global, has endorsed the criminalization of homosexuality in India, and has traveled to Russia to learn more about how to ban “gay propaganda...” Efforts to suppress gay rights at home have included trying to take *Elaine Photo v. Willock*, the case in which a photographer refused to photograph a same sex commitment ceremony, to the Supreme Court, and several lawsuits trying to challenge or reverse marriage equality at the state level, along with trying to exclude LGBT kids from the Boy Scouts.

The lead counsel in the Stormans case, Kristen Waggoner, recently took umbrage with Obama when he signed an executive order banning discrimination by federal contractors against LGBT individuals. According to Kristen Waggoner, this effort to end discrimination is really all about robbing Christians of their freedom; she declared it “the latest example illustrating that the very government that the Constitution charges with protecting religious freedom is now the primary threat to religious freedom. The administration has brazenly bypassed Congress and declared that the only religious non-profit organizations it will do business with are those willing to line up with the administration’s doctrine and theology on sexual behavior.”

Waggoner is the daughter of Clint Behrends, the superintendent of Cedar Park Christian schools, and is herself the product of Christian schools: the Columbia Heights Christian Academy, Northwest (not to be confused with the non-sectarian Northwestern) University, and the Regent University School of Law. The Cedar Park Church, led by anti-gay zealot Joe Fuiten (GLAAD reports he has been known to attribute homosexuality to demonic possession), appears to be Waggoner’s spiritual home. Her husband Benjamin Waggoner has done legal work for Cedar Park, Waggoner herself has served as a deacon, and Fuiten has praised Waggoner and the ADF’s legal cases from the pulpit.

The brief assessing the impact on Stormans v. Wiesman of the Hobby Lobby Decision, lists attorneys from both the ADF and the Becket Fund as counsel representing the plaintiffs, including Stormans, Inc., owner of Ralph’s and Bayview.

How does Hobby Lobby impact the Stormans lawsuit?

The day the Hobby Lobby decision was announced, the plaintiffs, defendants and defendant-intervenors in *Stormans v. Wiesman* case were ordered to submit supplemental briefs within 28 days, assessing how the Supreme Court Decision affected the issues in the case. Both the state and the defendant intervenors provided straightforward

► **HOBBY LOBBY**, continued on page 11.

Although the Supreme Court did not question the sincerity of Hobby Lobby’s religious claim, many elements of the situation contrive to create the appearance that the case has less to do with a reverence for life than a desire to use the legal system to attack Obamacare.

which the plaintiffs objected had arisen in response to a number of incidents in which pharmacists had refused to dispense emergency contraception on “moral grounds.” The regulations had been carefully crafted to provide accommodation to pharmacists with a religious or moral objection to this type of birth control, by requiring not *pharmacists*, but *pharmacies* to “deliver lawfully prescribed drugs or devices... and drugs approved... for restricted distribution by pharmacies.... to patients in a timely manner consistent with reasonable expectations for filling the prescription.” Because the regulations impose this duty on pharmacies rather than pharmacists, they do not pose an unfair burden upon pharmacists with conscientious objections to a particular drug or device; the pharmacy simply has to ensure that someone without such qualms is available to dispense at the same time so that the patients’ needs for timely access to all drugs are provided for.

This accommodation was not satisfactory to Stormans, Inc. and the two pharmacists who joined with them in the suit, who claimed the regulations deprived them of their right to “the free exercise of religion under the First Amendment.” *Stormans v. Selecky*, which has since become Stormans v. Wiesman, has been decided in favor of the plaintiffs in Federal Court twice, and appealed by the state twice over the years (see box). Oral argument in the Ninth Circuit Court of Appeals was scheduled for December of 2013, but was postponed pending the outcome of the Hobby Lobby case. When the decision in Hobby Lobby was announced, the parties in *Stormans v. Wiesman* were immediately ordered to submit supplemental briefs to the court of appeals, on the effect, if any, on the issues confronting the court. Supplemental briefs were filed in late July, and the oral argument was recently scheduled for November 20 in Portland, Oregon.

Meet the Stormans’ lawyers

The Alliance Defending Freedom (ADF), formerly known as the Alliance Defense Fund), has provided litigation support to the Stormans case since it was initially filed in 2007. Funded in large part by the National Christian Charitable Foundation, which in turn receives much of its funding from Hobby Lobby executives and subsidiaries, the ADF has its fingers in a lot of nasty pies. The ADF was behind *McCullen v. Coakley*, the case that successfully challenged the constitutionality of buffer zones around abortion clinics. The ADF also filed a federal lawsuit against a family planning clinic in Tampa, Florida when it lost interest in hiring a nurse, Sara Hellwege upon learning that she objected to prescribing hormonal birth

Birth control timeline	
Early 2006	Women's rights advocacy groups in Washington State begin lobbying for new pharmacy regulations ensuring access to emergency contraception
May 2006	Several Olympia women are denied Plan B at Ralph's Thriftway Parmacy
July 2006	Boycott of Ralph's and Bayview Thriftyway stores begins
July 2007	Washington State Board of Pharmacy passes rule that requires pharmacies to fill all lawful prescriptions on site and in a timely manner
July 2007	Stormans, Inc. (owner of Ralph's and Bayview) files lawsuit in federal court against the state of Washington, claiming regulation requiring the pharmacy to stock and dispense emergency contraception burdens their free exercise of religion
November 2007	The federal judge Ronald Leighton (appointed by George H. Bush) grants a preliminary injunction to the plaintiffs, barring the state from enforcing the regulations
July 2009	In response to an appeal by the state, the Ninth Circuit Court of Appeals reverses the injunction
February 2012	In a bench trial, Judge Leighton strikes down the regulations ensuring access to emergency contraception, ruling in favor of Stormans
March 2012	State of Washington files an appeal with the Ninth Circuit
August 1, 2012	Contraception mandate of the Affordable Care Act takes effect
September 2012	Hobby Lobby files suit against the federal government
December 2013	9th circuit postpones oral argument in <i>Stormans v. Selecky</i> , pending outcome of Hobby Lobby case
March 2013	<i>Stormans v. Selecky</i> becomes <i>Stormans v. Wiesman</i> when John Wiesman replaces Mary Selecky as the Secretary of Health in Washington State
June 30, 2014	Supreme Court rules in favor of Hobby Lobby
June 30, 2014	Ninth Circuit Court of Appeals orders the parties to file supplemental briefs on the effect of Hobby Lobby decision on the issues before the court in <i>Stormans v. Wiesman</i>
July 1, 2014	Supreme Court issues orders in 6 other cases involving birth control
November 20, 2014	Oral arguments before the Ninth Circuit Court in the <i>Stormans v Wiesman</i> appeal are scheduled to begin
Summer 2015	A Hobby Lobby store is projected to open in Olympia

► **Hobby Lobby**, cont. from page 12.

assessments: Since the Hobby Lobby case was decided under the RFRA which applies only to federal laws, and the pharmacy regulations are state rules, there is no effect. According to Alison Dempsey-Hall of Attorney General Robert Ferguson’s office, “The U.S. Supreme Court decided the Hobby Lobby case based on a federal law that applies only to other federal laws, i.e. [RFRA]. Washington’s ‘access to medication’ rule is a state law, so [RFRA] does not apply. The U.S. Supreme Court did not reach the First Amendment’s Free Exercise of Religion Clause. That clause is the primary basis of the Stormans Company’s challenge to the Pharmacy Commission rules requiring pharmacies to stock and dispense all time-sensitive medications needed by their patient population.”

The local spin

The legal wizards at the Becket Fund and the Alliance Defending Freedom who represent our local grocery chain could not let it be so simple. The brief submitted by Stormans insisted that Hobby Lobby strengthened their case in a number of ways. First, they argued, the Hobby Lobby case demonstrated that a corporation can raise a free exercise claim. Additionally, the plaintiffs contend that the Hobby Lobby decision confirms that having to provide emergency contraception burdens the plaintiffs’ free exercise. Presumably, stocking levonorgestrel when packaged for post-coital administration offends God in a way that stocking it for daily administration as Seasonique, Alesse, or Lutera does not. Thirdly, the plaintiffs contend that Hobby Lobby confirms that the Regulations cannot satisfy strict scrutiny, which pertains to the most stringent form of judicial review used to determine the constitutionality of certain laws. Lastly, the plaintiffs claim that Hobby Lobby confirms that the right of free exercise includes the right of full participation in the economic life of the community. This, the brief explains, is because the pharmacy regulations “force Plaintiffs to choose between their religious exercise and their profession.” A third option, unmentioned, is learning how emergency contraception actually works and unnauling themselves from the cross.

The hysteria over “abortion pills”

The pro-birth movement contends that emergency contraception (EC) can prevent a fertilized egg from implanting in the uterus, and this is tantamount to abortion. Medically, pregnancy does not begin until after implantation occurs, so even if emergency contraception worked in this manner, it would not be classified as “abortifacient,” or causing abortion. As it is, the available evidence contradicts the claim that EC interferes with post-fertilization events such as implantation. While some decades ago, it was hoped that emergency contraception worked to inhibit implantation, thus increasing its efficacy, decades of research have not borne out this mechanism of action.

A review of the medical literature regarding emergency contraception, published in August 2014, “Emergency Contraception: A Last Chance to Prevent Unintended Pregnancy,” states that “all women should be informed that the best available evidence is that the ability of levonorgestrel [Plan B] and ulipristal acetate [Ella] to prevent pregnancy can

be fully accounted for by mechanisms that do not involve interference with post-fertilization events. This means that while emergency contraception can work to prevent pregnancy after intercourse by delaying ovulation, and possibly by interfering with fertilization, there is no evidence that it has any effect after fertilization (or “conception”) has occurred.

The National Institutes of Health and the Mayo Clinic websites have changed their descriptions of emergency

looking metal spikes, all made in China. From snippets of conversation overheard, it sounds as if some of the customers are discovering Hobby Lobby for the first time. The publicity surrounding the Supreme Court case does not appear to have daunted the enthusiasm of shoppers hunting for crosses in the least.

Despite the sultry summer weather, the store has already given over a substantial amount of shelf space to Christmas items: 13 aisles of decorations, plus additional areas devoted exclusively to



photo: Janet Blanding

contraception recently to reflect the current science on how emergency contraception works, and the FDA may soon follow suit. Unfortunately, science and careful distinctions are of little interest to the forces that would like to see women returned to the days when every sex act was accompanied by a fear of pregnancy. The most rabid right

supplies for Christmas crafts. The War for Christmas is being waged here, and they get an early start: a store employee told me Hobby Lobby begins displaying Christmas merchandise in “June or July.” Although I choose not to buy anything from this company, which has seen fit to deny reproductive healthcare to so many women, I wouldn’t have been surprised to hear cashiers pointedly wishing customers “Merry Christmas” before they emerged into the parking lot and the August heat.

Although Hobby Lobby is widely described as a craft supply store, the stock seems more heavily weighted toward home décor: wall hangings, doormats (including some with Bible verses), artificial flowers, holiday decorations, picture frames, cowboy and law enforcement memorabilia, even furniture. Hobby Lobby is a good place to shop if you like to make your home look festive, celebrating a new holiday every two weeks, overflowing landfills be damned. The offerings for serious crafters seemed somewhat skimpier. Having made candles in the past, I checked out the supplies on offer, and was somewhat underwhelmed by the limited wax colors available and the single type of beeswax. Likewise, knitting supplies weren’t nearly as comprehensive and high-quality as what is available at Canvas Works in Olympia. The fabric department was dwarfed by the floorspace given over to artificial flowers. The one area where Hobby Lobby truly offered extensive supplies was in its scrapbooking section. Aisle after aisle was packed with colorful pre-made stickers and “album systems,” awaiting the happy memories women could collate into book form, documenting the joys of family life with minimal expenditure of energy.

The future of birth control

When the Ralph’s boycott began in 2006, some people seemed to be surprised that birth control was even an issue; birth control has been available to married couples since the landmark

decision *Griswold v. Connecticut* in 1965, and for all Americans since 1972, regardless of marital status. The right to use birth control seems pretty well-established, and there is no question that birth control is extremely popular. The last eight years, however, have seen a steady escalation of efforts to limit women’s access to contraception. Pharmacists and hospitals throughout the country have insisted that their freedom of religion is burdened by dispensing emergency contraception to rape victims. Rabid right wingers vociferate against providing funding to Planned Parenthood, a major source of low-cost contraception for many low-income women, and the push-back to the ACA’s required coverage of contraception has severely damaged the act’s potential.

What now for the ACA?

The ACA has the potential to do a lot for women with respect to reproductive health: in addition to expanding coverage, having access to long-term reversible contraception like IUDs without an out-of-pocket payment is likely to dramatically shift contraceptive use patterns and to reduce the unintended pregnancy rate, according to a study recently published by researchers at Penn State. Yet at the same time progress has been made, the anti-choice movement is again using the approach that proved so successful in limiting access to abortion at the consumer level. They are chipping away at access, using every means at their disposal, judicial, legislative, social and economic. Their attempt to make contraception harder to afford, harder to find at the pharmacy, to defund Planned Parenthoods and state contraception programs, and to scrutinize and shame the women who use birth control and expect their insurance to cover the cost.

Currently, according to Chris Humberson, Executive Director of the Washington Board of Pharmacy, the rule requiring pharmacies to dispense emergency contraception “is in effect for all pharmacies in Washington State that are not party to the litigation soon to be heard at the Ninth Circuit. Only those parties involved in the lawsuit are not required to comply with the regulation at this time.”

However, this will change if the plaintiffs get their way and the Ninth Circuit Court of Appeals decides, like the Supreme Court, that the plaintiff’s religious freedom claims in Stormans v. Wiesman have merit. Pharmacies throughout Washington could deny women emergency contraception, making it difficult to obtain these time-sensitive medications during the window in which they are most effective. The Stormans lawsuit, just like the Hobby Lobby lawsuit, is part of a broader attack on women’s reproductive rights, using the judicial system to make disingenuous claims of religious liberty. Right-wing extremist groups have teamed with religious business owners to enforce behavioral standards that have more to do with cultural prejudices than religious freedom, an effort that is, unfortunately, proving to be quite successful.

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Available evidence contradicts the claim that emergency contraception interferes with post-fertilization events such as implantation. Decades of research have not borne out this mechanism of action.

wingers now make little distinction between contraception and abortion, consistently conflating contraception with abortion. For instance, on the website of the Alliance Defending Freedom, information regarding the multiple lawsuits challenging the contraception mandate refers to it as “Obama’s abortion pill mandate.” The website provides a “scorecard” that shows the mandate losing 77-6 in court.

A visit to Hobby Lobby

The nearest Hobby Lobby to Olympia is in Lakewood, just south of Tacoma. It’s a big box store, new-ish (it opened in March 2014, the same month the Supreme Court heard oral arguments about how burdensome providing birth control to its employees was to the corporation’s religious beliefs), and crowded with shiny merchandise manufactured in China. Although it is a Thursday afternoon in August, business is brisk: most shoppers prowl the aisles in family groups, admiring the wide range of Christian-themed items. “Oh look! It comes in a cross shape, too!” Almost everything for sale at Hobby Lobby is available in a cross shape, from cake pans to pillows to wedding cake toppers. Aisles are filled with shiny crosses, rugged crosses, glittery crosses, and crosses formed from railroad ties and mildly threatening-