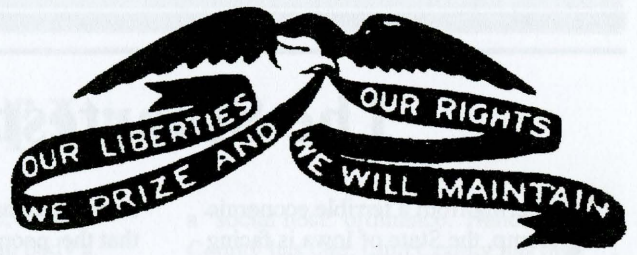


THE PRAIRIE PROGRESSIVE



November 2009

A NEWSLETTER FOR IOWA'S DEMOCRATIC LEFT

Kill the Curfew

Curfews have a long and inglorious history in America. They were commonly used as a governmental tool against broad classes of people – immigrants, political dissidents, people of color. In the late 1800s juvenile curfews became common. Children of immigrants and their parents were blamed for increases in juvenile crime. Curfews for young people grew rapidly around World War II. College campuses frequently enforced curfews for females – for their own protection. A wave of immigration following the enactment of NAFTA led to another rapid expansion of curfew laws in the late 1900s.

Iowa City has experienced an increase in crime in the last few years, particularly in one part of town with a concentration of subsidized housing. Residents of all ages and colors have been justifiably alarmed by a higher than normal number of shootings and robberies. As in many cities, the standard reaction has been discussion of implementing a curfew ordinance.

The arguments have been standard as well. Advocates claim that a curfew will deter crime and make streets safer. A curfew will reduce opportunities for teens to commit crimes and protect them from victimization.

Despite the popularity of curfews in America, no one has produced evidence that they reduce crime and victimization.

Curfew popularity has led one city council member, Matt Hayek, to support a local curfew ordinance, primarily because many other cities have them.

Surprisingly for an Iowa City native, Hayek seems to believe that his home town is no more enlightened than Charles City or Waterloo, where recent mayoral candidates debated the efficacy of curfews.

Opponents cite countless problems with curfews:

- Having an additional law to enforce makes policing more difficult, diverting time and resources from crimes such as under-age drinking and vandalism.
- Curfews, especially in communities with diverse cultural groups and high numbers of youthful citizens, tend to have a disparate and detrimental impact on minorities. Fair and equal enforcement is rare.
- Iowa Code 232.19 already gives police the authority to return minors who are away from home without parental permission.
- While some courts have upheld juvenile curfews, at least one curfew was struck down by the Iowa Supreme Court on First Amendment grounds (*Maquoketa vs. Russell*, 1992).
- Why limit the freedom of a broad group of people because of the crimes of a few?

Iowa City's legal staff loaded its proposed ordinance with even more problems (which supporter Hayek, a lawyer, has overlooked or ignored).

The ordinance allows an exception if "the minor is engaged in interstate travel." Interstate, but not intrastate?

Apparently a minor going from Grinnell to Rock Island, IL, will be exempt, but not a kid going from Grinnell to Davenport.

Also in the Exceptions section is the phrase "when such travel is by direct route." Will warning signs be placed at the city limits to give proper notice that a curfew is in effect and might affect certain age groups differently as they travel through town?

"Unemancipated" and "emancipated" are defined, but neither is cited as an exception. Stating a definition doesn't mean that there is an exception.

Oddest of all, the proposed ordinance does not contain enforcement provisions against parents or minors. This ordinance, if not simply jettisoned, should go back to the legal drawing board.

Curfews, even when well-written, are inherently fraught with constitutional dilemmas. Their very existence impinges on the fundamental right to engage in First Amendment activities. They are flawed in terms of due process. Even their consideration often exacerbates racial tension, as segments of the population feel targeted by their government (an immediate indicator of this exacerbation was the deployment of a US Dept. of Justice Community Relations Service Team to Iowa City).

Fortunately, Iowa City Council members Wright, Wilburn, Correia, Bailey, and Champion voted to defer further

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The Smartest Guys in the Room

Suffering from a terrible economic slump, the State of Iowa is facing an important turning point in its history. How will our leaders respond? Will they do everything possible to maintain public institutions, or will they instead place the highest priority on avoiding tax increases?

Around the country states have responded to economic crisis with different combinations of tax changes and expenditure cuts. Unable to raise taxes because of constitutional limits on the legislature, California is heading over a budget cliff that will permanently damage the quality of its schools, community colleges, and universities. Massachusetts, on the other hand, raised its general sales tax, avoiding a California style disaster.

Iowa has a long tradition of public support for education, including higher education, even in times of economic hardship. Public opinion, though, is often contradictory, and depends on leadership to shape it. As Iowa went through a severe economic depression in the 1980s, we were fortunate to have some leaders--notably Governor Terry Branstad and Board of Regents President Marvin Pomerantz--who worked hard to protect education from massive cuts. As Republicans, they cared little that their tax increases were regressive and their tuition increases burdensome for working class families. They were, however, people of integrity who recognized the need to maintain state institutions even in times of economic crisis. The people of Iowa responded.

It appears that Governor Chet Culver has decided on a very different approach to Iowa's future. Oblivious to polls showing that Iowans would be receptive to tax increases earmarked for education, he has chosen the path of across the board cuts. The people advising Culver on his strategy obviously think they are the smartest guys in the room when it comes to electoral politics, and have launched television ads attacking Branstad for raising taxes, outflanking Republicans

from the right. Is Culver right to believe that the people who constitute the base of the Democratic party in Iowa--educators, social workers, health professionals, students, union members, and public employees at all levels--will stick with the Democrats because they have nowhere else to go?.

The conventional wisdom about politics, repeated ad nauseam by television pundits, is that political parties must "move to the center" to win elections. There are different ways, though, to expand beyond a party base, and Republicans and Democrats have had fundamentally different approaches. In

"Culver has decided on a very different approach to Iowa's future."

recent years, Republicans such as Reagan and the Bushes began with the party base, and attempted to bring it along with them while devising ways to make Republican principles attractive to those in the center (not an easy task).

Beginning with Jimmy Carter, the national leaders of the Democratic Party have had a fundamentally different approach. Carter campaigned as a New Deal Democrat, and won by putting together a new version of the New Deal electoral coalition, as did Bill Clinton and Barack Obama after him. Once in office, Carter governed as if the party base was a problem to be overcome. He cut social security benefits for widows and orphans, cut capital gains taxes on the rich, denounced government as the problem rather than the solution, and worst of all refused to do anything on a core Democratic Party commitment, national health insurance.

The rest is history, as a divided and demoralized party left the door open for the Reagan revolution. The smartest guys in the room who had advised Carter

to abandon his own party base blamed Teddy Kennedy for the disaster, but it was their own fault. People who have nowhere to go often just stay home.

Bill Clinton took to new heights the art of treating his own party base as the enemy. Taking his electoral advice from the smartest guy in the room, Dick Morris, and the political geniuses in the Democratic Leadership Council, Clinton governed with a policy of "triangulation", putting together support from Republicans and right-wing Democrats to push through Reaganite legislation. The result was a massive expansion of our prison population, welfare reform, telecommunications and bank deregulation, the first installment of the Patriot Act, and cuts in Medicare and Medicaid, pushed through over the ineffective protests of outnumbered progressive Democrats. Faced with an embattled and leaderless Democratic Party, Republicans took control of every level of government, including the White House in 2000. The Democratic Leadership Council blamed Nader, but he was not responsible for the demoralized state of the Democratic Party base.

Barack Obama campaigned almost entirely on change, but since assuming office has taken his advice from really smart guys who are strongly committed to continuing the policies of the Clinton and Bush Administrations: Timothy Geithner and Lawrence Summers on economic policy, Robert Gates on defense policy, and veteran triangulator Rahm Emmanuel (of all people) on political strategy. At least three-quarters of Obama's economic stimulus package is directed to investors in banks who remain afraid to invest with unemployment at 10%. He is sending the Iowa National Guard to fight an unwinnable war in Central Asia that is opposed by 75% of all Democrats. After campaigning for "health care for all," he has conducted a presidential filibuster against any form of national health insurance, preferring

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99 States of Law

Recently, the County of Marshall and the City of Marshalltown have been thinking about the possibility of enacting an ordinance that would prohibit the use of texting and limit the use of cell phones. It would apply to anyone residing in or travelling through Marshall County or Marshalltown.

A recent article in the Marshalltown Times-Republican quoted Marshall County Board of Supervisors' Chairperson Pat Brooks indicating that the ordinance wouldn't necessarily be enacted for safety reasons; it would be put in place "in hope that it would be a statewide rule." Brooks claimed that when enacting "a rule like that, nearly 95 percent will follow it because they want to obey the law - that's the kind of society we live in," he said. "It's the small percentage that doesn't obey the law who would need to be targeted for enforcement." (Did you know that 76% of all facts are made up on the spot?)

Because of a recent Iowa Supreme Court ruling, *Davenport v. Seymour*, 755 N.W.2d 533 (2008), the Court determined that, as far as preemption goes, "the silence of the legislature is not prohibitory but permissive." In a nutshell, that means that if the Iowa General Assembly has not specifically instructed political subdivisions to refrain from enacting laws that the Legislature has not adopted, then it is okay to clutter up local ordinances with laws that no one from a foreign jurisdiction will be able to learn, understand, or obey.

In Ames, the city council is thinking about enacting an ordinance that would expand state law prohibiting the sale or possession of drug paraphernalia. The state law defines "drug paraphernalia" as "all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance," and includes anything used in conjunction with the manufacture of a controlled substance, anything that can be

used to "inject, ingest, inhale, or otherwise introduce into the human body a controlled substance", or to "test strength, effectiveness, or purity of a controlled substance," or to "enhance the effect of a controlled substance." What the Ames City Council wants to do is to expand that definition to include "chemicals used in manufacturing drugs, items used to weigh, analyze, process, store or conceal illicit substances."

The proposed ordinance came from the Story County Prevention Policy Board. The Policy Board requested this change in the city's ordinances on drug

"61% of all statistics are made up on the spot."

paraphernalia to update the current city code because there are current trends in illegal drug trading that are not addressed by the county's and state's prohibitions. I can't tell the difference. Also, the proposal would increase the fine from \$50 to \$500.

Not to be outdone, the City of Garner approved a new ordinance that will allow law enforcement officials, without probable cause or a warrant, to test teens for alcohol consumption even without tangible evidence. If the teen tests positive, the possession is within the teen's body. The Hancock County Supervisors followed suit and passed a similar ordinance. An Associated Press story cites Garner councilwoman Deb Schmidt claiming that "while she's not an advocate of government intrusion into people's lives, she feels the ordinance is essential because of the dangers of drinking." Another ordinance based on fact?

But wait, that's not all. Cerro Gordo County is in the process of enacting

a "social host" ordinance. Hancock County has one; Linn County has one; the City of West Des Moines has one; and several other counties have taken the initiative to pass that which is difficult to pass at the state level - for good reason. Social hosting ordinances put the blame on adults who make beer or liquor available to minors, including some occasions when the adult had no idea that the minor was accessing the alcohol.

97% of the proposed and actual ordinances above are nothing more than revenue-generating schemes, diverting fines from the state judicial branch to the municipalities. In 85% of the cases, the offense is a civil penalty where the burden of proof for the political subdivision is "clear and convincing." Call it a tax; that's what it is. 15% of these plans are designed to protect the public safety, but 98.9% of them do nothing to protect liberties and maintain rights. (61% of all statistics are made up on the spot.)

David Yepsen, former political writer for The Des Moines Register, often referred to Johnson County, Iowa as the Peoples' Republic of Johnson County. I wonder what he would think of the renegade counties and cities in Iowa that are developing into little fiefdoms with laws of their own. ❧

— Marty Ryan lives in Des Moines

Death by a thousand cuts

“ Pentagon gives 3,500 Iowa troops orders to Afghanistan ”

— D.M. Register, Oct. 2009

“ We were knee deep in the Big Muddy, but the big fool said to push on. ”

— Pete Seeger, 1967

I've been doing personal research into the H1N1 virus and discovered a new facet that none of the panic stricken media reports or vacuous websites describe: having this flu sucks. It also leaves you way too much free time to channel-surf, read, and dream at the edge of hallucination. Anyway, I've had a chance to ponder President Obama's path forward in Afghanistan. The latest call up of Iowans to serve as cannon fodder in that accursed country, including our fellow Iowa Citizens in Company B, 1st Battalion, 133rd Infantry, makes this very much an Iowa issue.

However, not one Iowa politician will admit the obvious and openly say that we cannot win in Afghanistan and therefore should not be there. First, though that country had a brief period of relative calm in the mid-twentieth century, Afghanistan has never been a true nation state with national institutions and political stability. It has, was, and ever will be a conglomeration of ethnic and tribal factions thrown together by the accident of geography and governed primarily by despots of various stripes.

Second, nobody from Barrack Obama down can define what “victory” in Afghanistan means. Is it creation of a multi-ethnic democracy with rights for women? Will we have won if we capture Osama bin Laden and cripple Al Qaeda in Afghanistan? Or will the flags of victory fly at homecoming parades if we hold the main cities by force, keep an unpopular and corrupt puppet president in power, and cede the countryside to the Taliban?

Third, President Obama's presidency is balanced on a knife's edge. If

he decides, or is browbeaten by the fickle media, the Republican chicken hawks, Pentagon leaks, and Democratic fear of being called soft, to increase the hemorrhage of American blood and treasure in Afghanistan, then all is lost. Pent-up progressive hopes will be sucked into an Afghan quagmire. Healthcare reform, sane financial policies, engaged diplo-

“Not one Iowa politician will say the obvious.”

macy, and hundreds of other issues will never be addressed; Obama's time will be frittered away fighting Taliban shadows, and the money for progress will be diverted into the hands of corrupt warlords and Pentagon contractors.

If the President tries to please both the warmongers and the doubters with a smaller increase in American soldiers and cash for that god-forsaken place, then his presidency will die the slow death of a thousand cuts. Soviet generals estimated that it would take 650,000 men to pacify Afghanistan when they invaded in 1979. Kremlin politicians capped troop numbers at 115,000 for the same reasons that the United States cannot possibly occupy Afghanistan and hold it by force: it is too big, too remote, and too insignificant to merit huge numbers of troops and billions of dollars or rubles or pounds for any imperial power to devote unlimited resources to invading.

Furthermore, in addition to the lack of enough troops and equipment to carry out American counterinsurgency doctrine, none of the “hearts and minds” components are there in Afghanistan—there is no stable and popular government, there is no rule of law, and there is universal hatred for foreigners occupying their country. Do we really

know if the Taliban are fighting to make their country safe for Al Qaeda terrorist training camps and Osama bin Laden, or simply doing as Afghans have done for centuries, fiercely resisting outside invasion? We misread Vietnam as part of the coordinated Communist plan to take over the world when it was primarily a nationalist struggle. Are we not doing the same in Afghanistan?

Is it not time to admit that the only achievable goal is to convince the Afghans that they can go on their tortured way alone, but they cannot harbor foreigners who will do us harm? Can we not declare victory by announcing that Afghanistan agrees to this in return for the evacuation of all foreign troops—both Western and terrorist? If our spy satellites can read car license plates, will they not inform us of any breach of this agreement? We have no reason to stay in Afghanistan or Iraq one moment longer. Bring the troops home and start putting our own house in order with the money and lives that will be saved. ✂

— Duncan Stewart lives in University Heights

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Jan 13, 2004
Abu Ghraib prison abuses exposed

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Nov 15, 1969
250,00 anti-war activists at March
on Washington

Nov 20, 1964
Vatican exonerated Jews of guilt
for Christ's crucifixion

Nov 22, 1909
Female shirtwaist makers went on
strike

Nov 29, 1864
Sand Creek Massacre, Kiowa
County, Colorado

Dec 2, 1954
Joe McCarthy censured by US
Senate

Dec 4, 1969
Chicago police attacked Black
Panther office, killing Fred
Hampton and Mack Clark

Dec 20, 1979
Soviet Union invaded Afghanistan

Take back the air waves

The Iowa Rapid Response network and PREIA (Progressive Radio for Eastern Iowa) are again campaigning for KXIC-AM 800 to add a progressive talk program to its schedule to balance the insane Sean Hannity, who is broadcast for a full, unendurable, three hours per day. If you agree with this concept, call KXIC at 319-354-9000 and sign our online petition: www.thepetitionsite.com/1/progressive-talk-radio-for-eastern-iowa. Or contact your local station. ✂

— Trish Nelson is the editor of
BlogforIowa.com

instead coercive and unpopular mandatory private health insurance, designed to enrich investors in the insurance and pharmaceutical industries, combined with sweeping cuts in Medicare. In recent off-year elections, there is evidence that the Democratic Party base stayed home, leading to Republican gains. It will be interesting to see who Obama's advisors blame.

Chet Culver has apparently joined the parade of Democratic leaders prepared to throw overboard their own strongest supporters. What will be the results of Culver's attacks on Branstad for raising taxes in a recession in order to maintain public institutions? Will he be able to punish his base without suffering any electoral consequences? Whose fault will it be if his cynical electoral strategy doesn't work? ✂

— Jeff Cox

Kill the Curfew
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consideration of the curfew ordinance until the end of 2010. Matt Hayek looked most uncomfortable in a two-vote minority with Mike O'Donnell, the least progressive member of the council.

Hayek might have more votes on his side with a newly-elected Council. Concerned citizens should tell him and incoming members Mims and Dickens: kill the curfew. Avoid the temptation of a popular but dangerous and unproven remedy. Don't let Iowa City become an inglorious part of America's history. ✂

— Prairie Dog

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Something completely different

In our country, entirely too many people think of opera as the province of the rich and cultured. World-wide, as well as here, that's never been the case. "Grand opera" is grand, both because of the sheer spectacle of the thing and the amount of money it takes to pull it off, but its pleasures have never been limited by class or education.

My mother, both a musician and music teacher, was an opera lover. Growing up as the quintessential Iowa-dirt farm boy, I would have nothing to do with it. Only decades later, while transplanting seedlings in the greenhouse and listening to Saturday's "live from the Met" broadcasts on public radio, did I begin to understand and appreciate those maternal directives.

That was the 1980s. Flash forward to just a few years ago. Peter Gelb replaces Joseph Volpe as the Metropolitan Opera's general manager. Change is in the air. More change than anyone could anticipate.

In just a few short years, we've gone from a standard and fairly predictable repertory, to this: multiple new productions and world premieres, eighteen hours a day of historic and thrice-weekly live broadcasts on satellite radio, a library of classic performances on Internet access, and - best of all - live high definition broadcasts of Met operas in theatres around the world. Gelb has now multiplied the Met broadcast audience from millions to tens of millions and, as many critics have acknowledged, created an entirely new art form.

If you haven't been to a Met HD theatre broadcast, you owe yourself a treat. It's something you've never seen before. Close-up camera work, not only of the greatest opera stars, but also of the Met orchestra and backstage operations. It is, to use that wonderful Monty Python phrase, "something completely different" - a new art form. With popcorn!

To the great credit of the Met and

Peter Gelb, opera companies around the country, and the world, have followed their lead into these theatrical presentations. The Met has now extended these broadcasts into the New York public school system and, it's to be hoped, begun creating a whole new generation of opera lovers.

I hope the Met will extend these school broadcasts nationwide, but until that happens we should try to get local students to attend the regular HD performances. Perhaps the Iowa City Community School District Foundation could give blocks of tickets to music teachers to distribute? And provide the snacks, too.

But don't trust my enthusiasm. As Groucho Marx says: "Who are you going to believe, me or your own eyes?" Check out the next Met HD show at Sycamore Mall, Jacques Offenbach's "Tales of Hoffman" (with gorgeous Anna Netrebko as Antonia) on December 19th at noon. Come early - it's going to be crowded. ✂

— Jim Walters lives in Iowa City

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