

The Kansas Voter



September 2005

League of Women Voters of Kansas

Working together...for Kansas

League Day to Focus on Mental Health Care

■ Be in Topeka on
September 24

The 2005 State League Day on Saturday, September 24, will provide a foundation for our two-year study on Mental Health Care.

Our exciting State League Day program will include, among many experts in the field of mental health care, Roy Menninger, M.D. and Bob Day, the Director of the Governor's Office of Health Planning and Finance, as well as CHMC and state hospital directors.

League members will have first priority in registering for the program; a registration form is in this Voter, on page 3. Seats open after September 16 will be offered to other interested individuals, including nurses and social workers seeking CEU credits.

The LWVK has never undertaken a study of mental health care, and members have determined an urgent need to do so now. Why now?

First, our current economic environment threatens social services funding. For example, the Kansas Legislative Coordinating Council recently appointed a Special Committee on Medicaid Reform. The findings of this committee will affect those who rely on Medicaid to pay for mental health care. Experts have estimated that 105,956 persons with serious mental illness lived in Kansas in 2000. This vulnerable and stigmatized segment of our population lacks a strong political voice, yet can

incur significant costs to the community.

Second, we turn to the history of the mental health system. Over the past 30 years, and especially since 1990 when the Legislature passed the Mental Health Reform Act, Kansas has worked toward deinstitutionalization of people with serious mental illness. This shifted funding and accountability from state hospitals to community mental health centers (CMHCs). While integration into mainstream society is an admirable goal, it appears that service providers are struggling to meet all of the needs at the local level. Furthermore, community hospitals are closing inpatient psychiatric units, and the three remaining state hospitals are currently at or near capacity. Ultimately it is the obligation of the State to serve patients with acute needs that cannot be met in local communities. One of the major issues concerning future requirements of the public mental health system is how to determine state hospital bed needs.

Third, we look at the social consequences of deinstitutionalization. Nationwide, the mental health care system has been called a "shambles," with individuals experiencing high levels of unemployment, homelessness and criminal incarceration. Unfortunately, Kansas is no exception. Lack of appropriate services and resources in our state has been implicated in lengthening of children's stay in the

foster care system, incarceration of adult and juvenile offenders with mental illness, and the inability of service providers to deal effectively with individuals in crisis. A good system should help reduce dependency on costly emergency services, even as it reduces poverty and homelessness among individuals with mental illness. It should reduce rates of incarceration, support healthy recovery and strengthen families. The social consequences of inadequate care are such that the efficacy of the mental health care system influences all citizens, regardless of whether they are directly affected by mental illness. (Continued on page 5)

State League Day Saturday September 24

State Capitol, Room 313-S
(Old Supreme Court Room)
Registration begins at 8:00 a.m.

Program begins at 9:00 a.m.
\$20 per person includes
coffee and rolls in the morning
and lunch

Entrance to the Capitol is through
the West door only; street parking
is free.

Spotlight on Local Leagues

This new column, to appear in each issue of the Voter, is designed to share with all members across the state the unique, interesting and educational activities that each of our Leagues is involved in.

Great Bend

Pam Hyde, President

During the summer months, our League board has been busy coming together, getting to know one another better, and forming a cohesive unit to serve our membership. We have had several planning sessions working on our short term and long term goals. This includes board education, and developing programs for the coming year. At last year's annual meeting, we voted to study the drug problem in Barton County, the way the problem is perceived by citizens, and possible solutions to this problem. The board felt this should be a two-year study. In addition, we will continue sponsoring our Legislative Luncheon and looking into community concerns as they occur.

Emporia

Kay Calvert, President

With the advent of Touch Screen Voting, the League of Women Voters of Emporia has taken on a new project. In cooperation with the Lyon County Clerk and a local school administrator, the League has taken Touch Screen voting machines to the local high-school and run the election for the Winter Sports King and Queen. By introducing the students to the technology and process of voting, it is hoped that they will be more likely as adults to participate in the privilege of democracy.

About ten years ago the LWV Board of Emporia realized that even though its members shared many common interests, they seldom had time to socialize. All of the meetings

were focused on the topics at hand, took place in the evening, and everyone wanted to get home when they were over. The Board decided to include a social event for the purpose of letting members get to know each other and just talk. The social, which has become an annual event, has also developed into a way of recruiting new members. The Board provides the wine and hors d'oeuvres, and some lucky member gets talked into hosting the event. We feel that this has worked well for us and made us a more cohesive group.

Johnson County

Pat Lanser, President

Last year, LWV of Johnson County sponsored a "get acquainted" wine and cheese party for new members. It was a success and so we are doing it again this year. New members enjoyed the opportunity to socialize with other members and learn what League is all about. The committee chairs gave a little talk on their respective committees and sold many of the new members on joining them. We believe that the best way to keep members is to get them involved and it seems to work.

LWV of Johnson County has been sponsoring an annual "Celebrating the Right to Vote" luncheon to earn enough money for a very special event on the 100th anniversary of the League. It turns out we don't want to wait that long. We have enough money saved to get a well known guest speaker for the League's 85th anniversary. On October 20, Susan Stamberg, an NPR correspondent, has agreed to speak at our "Celebrating the Right to Vote" luncheon and again in the evening. Both events are open to the public and we encourage members from other leagues to join us. **3**

Thank you!

Thank you to the following members who contributed almost \$3500 to our 2004/2005 Member Finance drive! Each gift is so important, and the Board is very appreciative of your generosity and your willingness to help us continue our efforts. Our donors: Marjorie Rees, Margaret Wyatt, Rosemary Williamson, Bev Komarek, Joy Schell, JoAnn Anderson, Elnora Hazelrigg, Joan Strickler, Mary Miller, William Arnold, Julia Johnson, Merle and John Peterson, Joseph and Lucy Stein, Gwen Elliott, Gaye Badeker, Janis McMillen, Georgia Sandlin, Janet Drees, Ellen Laner, Marilyn Chamberlin, Myrna Stringer, Carolyn Gangel, Bob and Jan Kruh, Ann Havenhill, Susie Aber, Gail Milton, Doris Slocombe, Frank Neff, LWV Salina in honor of Christi Peterson, Bradley and Elizabeth Applebaum, Jean Hiersteiner, Nancy Kindling, Eleanor Lowe, Ann Kindred, Penny Seavertson, Mary Frances Hogg, Nancy Jefferis, Dorothy Ballard, Carrie Moore, Barbara Rees, Jan Waide, Burritt and Yvonne Lacy, Marilyn Bradt, Frank Williams, Carmen Wilson, Susan Himes, Marge and Ted Mintun, Beverly Smith, Ruth Wilkin, Beth Prielipp, Diane Kuhn, marci francisco, Mary King, Susie Forker, Kathy Tidwell, Maxine Longstaff, Nola Smee, Marian Wariner, Emma Doherty, Paula Burnstein, and Barbara Withee. **3**

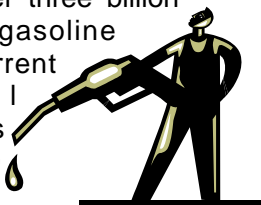
Our Energy Future—Facts and Figures

Bob Kruh, State Board

Energy takes the place of human labor and enables a society to be productive and to enjoy the conveniences and lifestyle that we in the U.S. have long taken for granted. To sustain our country's way of life, we use one-quarter of the world's energy production of about 405 quadrillion BTU/year, most of which (85%) comes from fossil fuel sources. At the rate of 20 million barrels/day, we use one-quarter of the world's oil production, 65% of which must be imported. China's use, now at about 6.5 million barrels/day, is rising fast. Because the world uses more oil than it finds, analysts conclude that we have passed the peak in world production. About two-thirds of the estimated reserves (one trillion barrels) are in the Persian Gulf region. The supply is finite, and other energy sources must be considered.

Our dependence on foreign oil sources creates concerns—with more effort now directed to finding new sources, however, than to finding ways to conserve use. Drilling for oil in the 1.5 million acres of the Arctic National Wildlife Refuge would add about 250 million barrels per year by 2013 and as much as 800 million by 2025. Starting production levels would provide about 10–40 days of use at current rates.

Ethanol and biodiesel fuels are featured in the President's recently enacted energy plan. Compared to our use of over three billion barrels of gasoline annually, current ethanol production is only about 80 million barrels/year or 3% of that amount, a trivial source. These products are made cost-competitive through attractive tax concessions to



producers. With a limited addition to our total need, most of the advantage in using grains and oil seeds goes to the agricultural economy. To be sure, we need to reduce dependence on foreign oil imports, but neither of these can give meaningful relief—even if Congress eventually mandates increased ethanol production.

Insistence on a hydrogen economy overlooks basic thermodynamic realities, as all but tiny

We can answer the energy challenge, but it will take determination and a sober account of the realities of science, economics, and politics.

amounts of hydrogen exist on the planet in combined form. The energy expenditure to produce hydrogen is more than that gained by burning the hydrogen.

Another alluring alternative is wind energy, which has the advantage of zero fuel cost. Wind energy results from the sun's uneven atmospheric heating and, accordingly, is rather dilute, requiring a lot of land area to develop large amounts of energy. It would take about 20 installations of wind turbines like those at Montezuma in Gray County, KS to equal the Jeffery Energy Center's production rate of 2,200 megawatts. And an overlooked downside is the turbines' steep dependence on wind velocity. Turbines produce electricity at their "nameplate" rate if the wind is blowing at about 30 miles/hour. But output falls as the cube of the wind velocity, so that at 10 miles/hour, the output of one of Montezuma's nominal one megawatt turbines drops by more than 95% to only 40 kilowatts. Photovoltaic installations have potential, but, with a solar source, are limited in meeting our prodigious



needs. Wind turbines and photovoltaic arrays can be excellent energy sources, particularly in remote applications, but neither has the capacity nor sustained production needed to meet base load requirements, the supply that lets us turn on the lights—day or night, wind or calm.

So what is the outlook? Our huge energy demand is the reality that will dominate future planning, notwithstanding minor additions from new sources. Our prodigious need can be feasibly supplied by two abundant, proven sources—coal power and nuclear power. The nation's coal supplies are vast, although much more attention will be needed to control harmful emissions. In the case of nuclear energy, other countries are far ahead of us—France, for example has 58 reactors supplying nearly 80% of its electricity. There have been enormous improvements in the safety, productivity, and waste storage processes that make the atom a dependable and economical source. At the moment, about 8% of our total energy and 20% of our electricity is produced from nuclear energy. Our stores of uranium are enormous and could serve as an energy source in nuclear breeder reactors that would supply us for centuries. Public opinion and concern are obstacles, though, and the lead-time for significant expanded production is in decades.

Earlier this summer, Congress passed and the President signed the Energy Policy Act of 2005. Informed reviewers conclude that this measure does little to reduce our troublesome dependence on fuel imports and that

(Continued on page 5)

LWV Education Funds

At State Convention last April, we had considerable discussion on setting up Ed Funds and the appropriate uses for Ed Funds. Shirley Eberle, LWVUS Treasurer, provided some very valuable information at the LWVUS June Council meeting. What follows are excerpts from her presentation.

LWVUS, as well as some state and local Leagues, maintains an Ed Fund, a 501(c)3 organization, which means that contributions to it are tax-deductible for the donor. Contributions to the education fund are used to carry out voter information and citizen education activities—such as public forums on civil liberties and our international projects. Some of the education fund income is for overall operations, and some is designated for particular projects.

As a no-cost service to state and local Leagues, the education fund also provides a way for donors to make tax-deductible contributions to the League that can be earmarked for use by a state or local League. This is called our grant service. It is the responsibility of the national League education fund staff to be sure that these funds are spent on appropriate state or local projects, so we require that a project budget be submitted ahead of time and a project report submitted after the project has been completed. Usually a state or local education fund is organized in order to accept tax-deductible contributions more directly. Some state Leagues that operate education funds provide grant services to their local Leagues. The reason that the national League maintains a grant service program is to allow state and local Leagues to solicit and use tax-deductible contributions without the headache of creating and administering their own separate education fund. We strongly recommend that local and

state Leagues participate in already-established state or national League education funds, rather than forming your own.

To start an Ed Fund requires a league to prepare separate articles of incorporation and bylaws, to register with the state, and to obtain official recognition of charitable status from the IRS. All education funds must operate within IRS rules for charities and file annual reports with their state and with the IRS. It is VERY important not to commingle regular League monies with education fund monies. These accounts must be kept completely separate—separate bank accounts and separate bookkeeping. IRS rules prohibit education funds from ever making loans or cash advances to Leagues. If a League receives a contribution check that the donor wants to be tax-deductible, but it is made out to the League (that is, not to the education fund), it is not appropriate to simply deposit that check in the League's bank account and write a corresponding League check to the education fund.

Monies in ed funds are prohibited by Federal law and League policy for use in partisan politics. Federal law also strictly limits the amount of lobbying that education funds can undertake, and we strongly urge you not to lobby using education fund monies. The IRS regulations and court cases that define lobbying are complex. State and local education funds that make the 501(h) election are subject to more generous definitions of what constitutes lobbying, so we suggest that all education funds file the 501(h) election with the IRS to protect themselves from IRS scrutiny as far as lobbying activities are concerned.

A question that Leagues often

raise is whether membership brochures can be distributed at an educational forum or a candidate debate. According to our legal advisors, you will have greater latitude to promote League membership when a local or state League hosts such an event, rather than having an education fund host it—even if it is funded through a grant from an education fund.

Our lawyers have advised us that education funds cannot make direct payments to delegates to reimburse costs of attending League councils or conventions. Although it is possible for education funds to make grants to reimburse delegates' costs of participation in the education component of League councils and conventions, this is very complicated and involves a written funding agreement and documentation of how the funds were used. A copy of our lawyer's letter on this subject is available on the national League web site. We recommend that Leagues carefully review this legal advice before using education funds to pay for any part of delegates' participation in League councils or conventions. **3**

Endowment Fund

The Endowment supports LWVK by generating income which may be used for any purpose. Contributions to the Endowment are *not* tax-deductible. As of June 30, the Fund held a total of \$46,329.47. Edith Johnson of Topeka was appointed as a Trustee of the Fund in April 2005. The others are Jerri Pennington of Emporia and ?? of Lawrence **3**

Mental Health, *continued*

Fourth, the State has itself recognized that the mental health care system requires attention. In 2001, the SRS took the proactive step of developing a five-year strategic plan for system improvement. In 2004, the Governor designated a stakeholder Planning Council to work with government entities to refine the plan and improve services. These groups are working actively with the President's New Freedom Commission on Mental Health, a national transformation program that released its first report in 2003.

The demonstrated interest of our state officials in assessing and improving services suggests that League's understanding and

involvement in mental health issues has the potential to contribute significantly to the public good.

We have identified two general study questions: 1) Are sufficient services available statewide to meet the diverse needs of individuals with mental illness? 2) Are the medical treatments, therapies and supports employed in Kansas the most current and effective options available? **3**

Energy Future, *continued*

it provides large subsidies to producers, whose recent profits have been substantial. A number of incentives for minor energy-friendly programs have been included, such as an initiative for doubling ethanol production and

support for encouraging the use of bicycles; but the final bill also contains industry-friendly actions which can have profound, long-term effects. One of the most significant, and less noticed, sections repealed the Public Utility Holding Company Act of 1935 (PUHCA), thereby weakening federal utility regulation and opening the door to aggressive mergers that can control—and probably increase—utility rates to consumers.

We can answer the energy challenge, but it will take determination and a sober account of the realities of science, economics, and politics. Then, how we use energy can become as important as where we find it. **3**

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State League Day

September 24, 2005

Registration Form

Focus on Mental Health

State Capitol, Room 313-S (Old Supreme Court Room). Entrance to the Capitol is through the West door only; street parking is free.

Registration begins at 8:00 a.m. Program begins at 9:00 a.m.

The registration fee is \$20 and will cover morning coffee/rolls and lunch.

Please complete the form, make checks payable to League of Women Voters of Kansas and send to: LWVK, 618 S. Kansas Ave., Suite B1, Topeka KS 66603.

Name _____

League _____

Address/Phone _____

Registration deadline: Friday, September 16

Death Row Exonerations in the U.S.

Newly published research examining 340 exonerations in the United States between 1989 and 2003 found that a significant number of those who were wrongly convicted had been sentenced to death. Researchers note that this finding appears to reflect two patterns: capital defendants are more likely to be convicted in error, and false convictions are more likely to be detected when defendants are on death row.

The paper, authored by Professor Samuel Gross of the University of Michigan Law School along with other assistants, reveals clear patterns associated with false convictions. The leading cause of wrongful convictions is perjury, including perjury by police officers, by jailhouse snitches, by the real killers, and by supposed participants and eyewitnesses to the crime who knew the innocent

defendants in advance. The research revealed that false confessions, especially among vulnerable defendants such as juvenile offenders and those with mental retardation, also played a large role in murder convictions that led to exoneration. Almost all of the juvenile exonerees who falsely confessed were African American, and 90% of all exonerated juvenile defendants were African American or Hispanic.

Based on their review of these exonerations, the paper notes that "any plausible guess at the total number of miscarriages of justice in America in the last fifteen years must run to the thousands, perhaps tens of thousands, in felony cases alone." ("Exonerations in the United States, 1989 through 2003," *Journal of Criminal Law and Criminology*, Vol. 95, No. 2, 2005)

Two cases have recently been added to the Death Penalty Information Center's (DPIC) innocence list, bringing the total to 121 since 1973. DPIC's innocence list includes those former death row inmates who have been acquitted of all charges related to the crime that placed them on death row, dismissed, or who have been granted a complete pardon based on evidence of innocence.

The new U.S. Supreme Court appointee is likely to make a difference in death penalty decisions. The Court has been closely divided in death row cases, with retiring Justice O'Connor often in the middle. Nominee John Roberts has a limited track records, but has said the high court would reduce its caseload by "abdicated the role of fourth or fifth guesser in death penalty cases." **3**

The *Kansas Voter* is published by the League of Women Voters of Kansas, a nonpartisan political organization that encourages informed and active participation of citizens in government. The League works to influence public policy through education and advocacy. LWVK is affiliated with the League of Women Voters of the United States and with local Leagues in Kansas communities.

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