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Elks Government Relations Report
Items of Interest from the Congress, State Legislatures and the Courts
November-December, 2006

In This Issue:

1. Election Brings Big Changes For Congress and Most States
2. Memo to Lodges: Reach Out To Newly Elected Lawmakers
3. Study Shows Military Recruits Reflect Nation's Middle Class
4. Voters Back Limits On Eminent Domain
5. Election Results Signal New Direction for War
6. Congress May Address An Update of GI Bill
7. Moves To Ban Smoking Pick Up Steam Nationwide

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1. Election Brings Big Changes For Congress and Most States
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The election was a major political earthquake, shifting the legislative landscape in Washington and in statehouses throughout the country.

Democrats attained a one-seat margin in the U.S. Senate and took control of the House of Representatives, gaining at least 31 seats. There will be new leadership and committee chairs and new policy directions, with Democrats promising to pass major bills in the first 100 hours of the 110th Congress convening January 3, including raising the minimum wage and enacting the Sept. 11 commission's recommendations."

Democrats excelled at the state level as well, gaining new legislative majorities in nine states and picking up more than 300 seats. Come January, they will control both houses of the legislature in at least 23 states, more than they have held since 1994. Republicans will hold a majority in 16, with 11 states split. For the first time since 1994, Democrats won control of a majority of the nation's governors' mansions, wresting away five Republican seats and ousting one incumbent. Going into the midterm elections, Republicans had a 28-to-22 advantage among governors. When the votes were counted, Democrats had flipped those margins.

There were other issues on the ballot in many states, including two of special interest to the Elks-smoking and eminent domain (see stories below).

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2. Memo to Lodges: Reach Out To Newly Elected Lawmakers
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Now is the time to compile a list of election winners and write them a note of congratulations.

Begin the process of regular communication with policy makers. Don't wait until a critical issue arises, such as taxes or a change in charitable gaming laws. Let the lawmakers know who you are and what the Elks are doing for their communities. Point out those indispensable charitable activities that save money for taxpayers.

Let them know what your lodge is planning for the coming year and offer your help in setting up a town hall meeting-with the Elks and their families or with the entire community-to discuss issues that

they will be facing next year. You can be a powerful resource in assisting the lawmakers in communicating with constituents as well as in alerting them to perspectives on issues affecting your lodge and the voters.

And, if you are planning a big Christmas event at the lodge, such as a party for handicapped kids, invite the new-and returning-public officials to come by.

Make sure you have an attractive display, preferably in the entrance hall of the lodge, that shows lodge-sponsored activities. Include those things that show Elks' involvement in the community-Hoop Shoot contests, Little League teams, a blood drive at the lodge, scholarship winners, veterans' outings, Drug Awareness posters.

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3. Study Shows Military Recruits Reflect Nation's Middle Class
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A new study appears to negate claims that the poor and less educated are bearing the brunt of fighting in Iraq.

"Like their peers in 1999 and 2003, recruits in 2004 and 2005 came primarily from middle-class areas," says the report by the Heritage Foundation that analyzed economic demographic data by linking the zip codes of recruits. "Poor areas are proportionately underrepresented in the wartime years (2003-2005). "

Specifically, recruits from America's poorest neighborhoods, about one fifth of the U.S. population, declined from 14.61 percent in 2003 to 13.55 percent in 2005. By contrast, youth from the fifth wealthiest areas volunteered more during the Iraq wartime, rising from 22.17 percent in 22.85. The bulk of enlistees came from the income groups making between \$30,000-50,000.

In terms of education, recruits do much better than the national average, with 98 percent having a high-school diploma, as compared with 75 percent nationwide. In racial terms, in 2005, blacks were only slightly overrepresented, by a ratio of 1.07 as compared to the general population, and whites were only slightly underrepresented by a ratio of 0.97. Geographically, rural areas, particularly in the South, yielded more than their share of recruits, by a ratio of 1.51 as compared with the total population, while urban areas were represented by a ratio of 0.70.

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4. Voters Back Limits On Eminent Domain
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Voters continued their strong reaction to ways that eminent domain powers are applied, even in states that have already enacted legislation to restrict the use of condemnation for economic development. Ballot measures to limit eminent domain were approved by large margins in eight states.

In all, 34 states have adopted laws or passed ballot measures in response to the Connecticut case, *Kelo v. New London*, in which the U.S. Supreme Court upheld the right of local officials to take homes and businesses for private development.

Voters spoke loudly in favor of property rights, but the issue of limiting government officials in zoning and other land-use questions produced different results. Arizona approved tough new rules, but California, Idaho and Washington State defeated initiatives to require compensation for owners of property that lost value as a result of a government action to restrict its use. In Oregon, which passed a similar measure in 2004, local officials have waived zoning rules to avoid paying nearly \$6 billion to compensate property owners who claimed economic losses.

In Florida, the state legislature, by a three-fifths vote of each house, can make an exception to a ban on transferring condemned property from one private entity to another. In Pennsylvania, officials can continue to condemn property for redevelopment in Philadelphia and Pittsburgh until 2012.

5. Election Results Signal New Direction for War

The election turned on the war in Iraq, a conflict that has now lasted longer than World War II with no end in sight. While Democrats offered no specific solutions, their candidates said the current situation has to change.

In a press conference the day after the election, President Bush said he had got the message. Staying the course, said the President, "doesn't mean staying stuck on a strategy or tactics that may not be working." He announced that he was replacing Secretary of Defense Donald Rumsfeld in order to "bring a fresh perspective as to how to achieve something I think most Americans want, which is a victory."

The new man in charge at the Pentagon will be Robert P. Gates, who served as director of the Central Intelligence Agency under the first President Bush and is currently president of Texas A&M University. A native of Kansas, Gates studied history at the College of William and Mary and earned a master's degree at Indiana University and a Ph.D. at Georgetown. An Air Force veteran, he served two stints on the National Security Council staff totaling seven years under four presidents, both Democrats and Republicans.

Gates is an Eagle Scout and has served in national scouting posts. One of his favorite sayings: "Every boy that joins the Scouts is a boy on the right track."

6. Congress May Address An Update of GI Bill

Even though they face the same combat risks in Iraq and Afghanistan as active-duty soldiers, there are sharp differences in educational benefits for National Guard and Reserve troops.

Under the GI Bill, veterans of active duty service get a top benefit of \$1,075 a month, and they have a decade after leaving the military to enroll in college. Reservists and Guard troops, who have been called to active duty for war or a national emergency can receive up to \$860 a month, but must remain in service while using their GI Bill benefits. Without active duty, the Guard and Reserve education benefit is \$309 a month.

Representative Vic Snyder (D-AR), who is slated to chair the House Armed Services subcommittee with jurisdiction over benefits, is sponsoring legislation to change the current law. "It's just blatantly, blatantly unfair and I think the Congress is interested in doing something," he says.

But adding post-service benefits faces opposition from Pentagon officials who feel current law on education benefits is a factor in retaining Guard and Reserve troops after their enlistments lapse.

As of early November, National Guard and Reserve members made up about 28 percent of the 1.4 million troops who have served in Iraq and Afghanistan and about 23 percent of the almost 26,000 killed or wounded.

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7. Moves To Ban Smoking Pick Up Steam Nationwide

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The movement to ban smoking in public places continues across the country, with tougher measures contemplated in many towns and cities.

Next month, smoking bans will be on the agenda in several state legislatures, including North Carolina, a leading tobacco state. A recent Elon University poll shows 63 percent of North Carolinians support a statewide smoking ban. Sixty-four percent also prefer non-smoking restaurants while just 16 percent prefer restaurants that allow smoking.

Belmont, Calif., is considering one of the most restrictive smoking bans in the country with an ordinance that would essentially make it illegal to smoke anywhere except in stand-alone single-family homes.

According to the American Cancer Society, more than 2,300 communities and 18 states in the nation have become smoke-free.

In Nevada, where smoking has long been regarded as what you do with your other hand while gambling, voters approved a ballot measure banning smoking at bars that serve food and in areas around the slot machines at supermarkets, gas stations and convenience stores. And, in New Jersey, less than a year after the Legislature exempted Atlantic City's 11 casinos from a statewide smoking ban, things may change as well. Citing concerns about secondhand smoke, the City Council seems intent on setting up a ban of its own.

The growing movement to ban smoking moves to the Capitol building with efforts underway to prevent Members of Congress from lighting up in the Speaker's Lobby, the ornate passageway off the House floor where reporters interview lawmakers between votes. The area is one of the few remaining areas inside Capitol buildings where smoking is still possible, although Members are permitted to set their own rules in their personal and committee offices. Last summer, an amendment to the legislative appropriations bill banned smoking in the dining rooms and cafeterias.

"There's no question that the right health policy is to end smoking in the Speaker's Lobby and I will be surprised if it doesn't happen," said Representative Henry Waxman (D-Cal.), who is slated to become chairman of the Committee on Government Reform. "I realize some members want to smoke there, but there's absolutely no reason to force pages and others to breathe secondhand smoke."

In January, the District of Columbia's will impose a citywide smoking ban in all bars and restaurants.

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