



VIRGINIA CAPITOL CONNECTIONS

Q U A R T E R L Y M A G A Z I N E

No Rest (Area) For The Weary?

INSIDE

Party Chairs Tout Their Tickets—page 2

Close Races in Fall Elections—page 4

Unemployment Vote Recap—page 8

Unranium Study Underway—page 12

New Dangers of "Sexting"—page 16

Virginia Rest Areas

By TOM HYLAND

Rest stops did not originate with the Interstate Highway Program in 1956; many earlier federal-aid highways had rest stops even before interstate travel increased after the Second World War. The concept of interstate travel reflected the increasing rate of regional and national migration that occurred during and after WWII.

As the interstate highways were planned in 1956 and thereafter many planners and politicians insisted that those highways be aligned to serve both commuter (city-suburb) traffic as well as interstate traffic. Many small towns actually wanted the interstates to transit through their communities to promote local businesses, but the requirements of the interstate highway system was to promote more rapid and safer flow of both commuter and commercial traffic. Consequently, small town politicians successfully campaigned in Congress to statutorily bar private businesses from operating at interstate rest stops as a way to force interstate traffic to exit the interstate to obtain local gas or other services. Typically, state governments installed rest stops about every two hours of driving time on rural sections of the interstate (100+ miles) and usually some distance from urban and suburban areas.

Although, interstate funding could not be used to build toll roads, many states before the interstate highway act (1956) had already built both tollroads with full rest stop services (New York Thruway, Pennsylvania Turnpike, the Oklahoma and Turner Turnpikes (Interstate 70) Maryland and Delaware (Interstate 95) etc.) and major freeways. Once these roads were improved to interstate construction standards, they could be incorporated into the interstate highway system (to provide both connectivity and to promote increased use of these toll roads. Soon other states (Ohio and Indiana) in the 1970s began to build tollroads based upon interstate highway construction standards and which included full service rest stops (with the road construction costs paid for by both toll fees and gas and restaurant franchise fees) and these roads were designated as part of Interstate 80 before they were built. There was no federal requirement for rest stops and not all states built them (West Virginia for one in the earlier years) and there is no federal funding source for the operation of rest stops.

The early interstate program was used to promote urban redevelopment until the late 1960s when minority groups—whose housing was being destroyed by aligning urban freeways through their communities—organized to resist such urban renewal efforts via interstate development. At the same time traffic volume on the urban interstates was creating congestion and impeding traffic flow in urban areas which led to the establishment of beltways around major urban areas. After 1967, whenever interstate highway alignment required the loss of housing units, the state had to provide the displaced families with “decent, safe, and affordable housing stock.”

As new beltways were built around urban areas, local suburban governments began to rezone land along the local road off and on ramps to the interstate to promote growth, particularly commercial development (office building, shopping malls, restaurants, gas stations, etc.) These interstates are owned and operated by the states.

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Photo by Wanda Judd

“How far to the next Rest Area?”

BY BONNIE ATWOOD

My bedside telephone rang at 7 a.m. It was my favorite fiery neighbor.

“What’s the phone number of the Governor?” she asked. “Who do I call about the rest stop closings? What’s the address that I should write to?” She knew that I keep legislative directories beside my phone. This issue reminded me of the announcement of DMV branch closings a few years back. I gave her some numbers, and she, with her customary passion and respect, exercised her First Amendment rights.

That’s right—almost 20 Virginia rest stops have now been closed. Orange and white barrels barricade the entrances. Gotta go? You’ll have to go a little farther now. Rest stops fell on the chopping block as one way to save Virginians \$9 Million against its \$2.6 Billion shortfall. An unscientific look at the comments and blogs would suggest that most, like my neighbor, say they do not want to drive so far between these stops. To be fair, however, there are some commentators who say it’s a benign way to save some bucks.

I’m sure that Virginians—individuals, families, and the general citizenry—do need to cut back on some expenses. But the message that I’m hearing most is this: “Make some slashes if you must, but please don’t take my rest stops away!”

My family cancelled a road trip to a cousin’s wedding this summer. Passenger rail doesn’t go to her town; it was just going to be too hard driving all those miles on the interstate in the heat; and my 99-year-old mother needs frequent stops. That was before those rest stop closings. If we traveled now, since the rest area closings, it would be even harder. I’m not looking for sympathy—we’ve had some fantastic trips even in the past few years. But I am trying to illustrate the human factors that materialize when budget makers take their red pens to the lists of Commonwealth expenditures called “Rest Areas.”

Of course, we all need rest stops. They can be at state-sponsored bathrooms or they can be at McDonald’s or BP. (Some think that privatizing the whole operation is not a bad idea.) It’s just that some of us depend on them more than others. My favorite humorist, Robert Benchley, always said: “There are two ways to travel—first class, and with children.” What would he say today if he had to pass by closed rest stops with wiggly tots demanding to know if we are “there yet”?

And it’s not just the young, the elderly, and the sandwiched that we need to worry about. It’s also the professional drivers of trucks, whom we like to call “truckers,” and most of whom, I find in my personal experience, to be the most considerate and skilled drivers on the road. They need rest; they want rest; and they are required by law to get rest. Adequate rest protects them from the most feared type of accidents. It also protects those of us who share the road with them.

VIRGINIA CAPITOL CONNECTIONS

QUARTERLY MAGAZINE

SUMMER 2009 ISSUE



Pat Mullins



C. Richard Cranwell



Bill Shendow



Ed Lynch



Delegate
Joseph F. Bouchard



Delegate James P.
"Jimmie" Massie III



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Virginia Rest Areas	IFC
GOP Fields Strong Statewide Ticket, Slate of House Candidates	2
The 2009 Democratic Ticket	3
Importance of the Ticket in the Fall Statewide Election	4
The 2009 Party Contests—Looking Ahead (Or Not)	5
Conserving Precious Land	6
Protecting Homeowners	7
General Assembly Action on Unemployment Compensation in the 2009 Session	8
Obama's Win in the 2008 Presidential Election in Virginia	11
Uranium Mining in Virginia	12
JobQuest	13
Capitol Connections: On The Scene	14
Citizens and Lawmakers Brace for More Sexting— Can it Prompt the New "Scarlet Letter"?	16
Finding Transportation Solutions	17
New Statewide Stormwater Regulations Being Developed	19
Technology Streamlines Workers' Comp	20
New Chesapeake Bay Requirements for Localities	21
Virginia Fire Corps "Engaging Citizens— Enhancing Service"	22
"Son of Virginia" Governor Wilder—Massive Resistance and the Times Dispatch • A True History Lesson—Commentary	22
The Future of Charitable Gaming: It's Anybody's Bet	23
Eyes for Those who Cannot See	23
Eternal Treasures: The Family Cemetery in Virginia	24
Capitol Officer Ervin Blowe Earns Professional Bodybuilding Status	26
Association and Business Directory	28

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GOP Fields Strong Statewide Ticket, Slate of House Candidates

By PAT MULLINS

It is a fact that may not be widely known, but in practice, the first Governor of Virginia was an Englishman named Thomas Smith. This was when the Virginia Company of London had established a government run by council, and as the council president, Smith effectively served as governor although he never left Mother England. By 1609, the council governance was abandoned and the iconic John Smith became the first true governor of the colony.



As history shows, colonial frustration grew over that century and the next and by 1775, the Virginia patriots were ready to part with Great Britain. In Richmond in March of that year, the tension rose to a fever pitch and at St. John's Church a young lawyer named Patrick Henry rose and declared, "I know not what course others may take, but as for me, give me liberty or give me death!"

Henry would soon become the first Governor of Virginia as the Commonwealth that we now revere declared its independence from the Crown of England.

This November we will again be electing a chief executive, along with a lieutenant governor, attorney general and the entire House of Delegates. I am proud to serve as Chairman of the Republican Party of Virginia at a time when we have an excellent statewide ticket and a quality slate of candidates for the House.

In Bob McDonnell, we have a man who has spent his life in service of this nation and the people of this great Commonwealth. Able to attend Notre Dame on an Army ROTC scholarship, Bob entered active military service and retired as a Lieutenant Colonel after 21 years of active and reserve duty. As a prosecutor, successful legislator and principled attorney general, he has earned his place as our standard bearer and candidate for governor. His positive vision for a Virginia in which taxes remain low, public schools are the envy of other states, our colleges and universities are affordable and accessible is one that we proudly stand behind. In addition, he understands that one of the main roles of the chief executive is to be the ambassador to the nation and the world as he creates an inviting climate and fosters economic growth for the people. In this difficult economic period, people are looking for good, dependable, well-paying jobs. Bob McDonnell is the man for this hour, particularly as Virginia is in need of innovative solutions for our growing transportation problems. Please join me in supporting his candidacy.

Lt. Gov. Bill Bolling is running for re-election as a seasoned legislator and statewide leader who has stood steadfastly by his conservative principles from the day he stepped into public service. A successful businessman in his own right, Bill knows the right approach to get the economy moving again and create jobs. He deserves our support as he continues the fight to improve educational opportunities, keep neighborhoods safe from crime, reinvigorate our aging transportation system and increase the quality of our health care system. He believes that government should be responsive to the people, not demanding of its citizens to the extent that free enterprise and creativity are stifled. A vote for Bill Bolling is a vote for steady leadership at a time when we desperately need it.

Our candidate for attorney general, Sen. Ken Cuccinelli is a proven leader in the legislature who has admirably defended the Constitution and fought for individual freedoms so that all Virginians can achieve success. A strong advocate for law officers and the safety of the public, Ken is an excellent candidate for the important job of

leading Virginia as its chief law enforcement officer. Ken is a fighter for 2nd Amendment rights, individual property rights and keeping the legal system from running amok with outrageous lawsuits that can often strangle private enterprise and growth. He believes in keeping government open and accessible to its customers—the people of Virginia—and seeing that the tax burden is low so that people can make decisions for themselves and their families about the money they earn. I am proud that he is on our ticket and believe he will be successful in November.


Just as importantly, we have fielded an excellent crop of candidates and incumbents for the House of Delegates in November. The House is crucial because it very often sets the terms and issues of the policy debates that take place each winter in the General Assembly. We are defending 52 seats currently held by Republicans—in addition to the two independents who caucus with us—and have a group of capable, qualified challengers for 27 seats held by Democrats and 11 seats that are currently vacant. We have every intention of keeping and solidifying our majority in the House of Delegates this fall and will work every day to make sure that happens.

Our campaigns this year will be well-coordinated and directed in the manner best designed to maximize effort and make efficient use of resources. Our support teams and volunteer base are hungry for victory and each waking moment will be devoted to the ultimate goal that lies just a few short months ahead. Our Victory operation will be particularly muscular with more than twenty field offices across the Commonwealth staffed by more than thirty workers and thousands of volunteers. As always, we welcome and invite citizens to lend a hand by walking neighborhoods, knocking on doors and making phone calls to generate even further enthusiasm. If it is a bumper sticker, some candidate literature or a yard sign you need, there will be a Republican candidate, staff member or volunteer handy to see to your request.

I have been involved in the democratic process long enough to learn the clear lesson that elections matter and have consequences. When the dust clears and the votes are counted on the evening of November 3rd, I believe Virginians will have endorsed our ticket and our shared Virginia values and sent Bob McDonnell, Bill Bolling and Ken Cuccinelli to do the people's business in Richmond. Likewise we anticipate a robust and energized Republican majority in the House of Delegates.

I believe that if you want a good job, if you pay taxes and if you care about your family and your freedoms, then you ought to be on our side. It has been said that the world is controlled by those who show up. Please join me in going to the polls in the fall, and I humbly request that you consider supporting our fine Republican candidates.

Pat Mullins is Chairman of the Republican Party of Virginia. 



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The 2009 Democratic Ticket

By C. RICHARD CRANWELL

The 2009 Democratic ticket is as strong as I have ever seen in my 35 years in Virginia politics. Creigh Deeds, Jody Wagner, and Steve Shannon bring a diverse range of strengths and experiences to the table. Working together over the past decade, they have helped to establish the Warner-Kaine record of success that resulted in hundreds of thousands of new jobs, historic investments in education, and notoriety for Virginia as the “Best Managed State,” the “Best State for Business,” and the “best state in which to raise a child.” Virginians are fortunate to have such an experienced group of public servants ready to lead us into the next decade, and we will all be fortunate to have them as our next Governor, Lieutenant Governor, and Attorney General.



Creigh Deeds

Senator Creigh Deeds has spent the last two decades serving Virginians—from his start as Bath County prosecutor to his current position as a State Senator representing a district that stretches from Charlottesville to the West Virginia border. Whether he was working to create new jobs and grow Virginia’s economy, cleaning up one of Virginia’s largest Superfund sites, or writing tough legislation to keep our families safe and secure, Sen. Deeds has a well-deserved reputation as a consensus builder who delivers results.

When Virginia faced a financial crisis following the Gilmore Administration, Sen. Deeds worked with Governor Mark Warner to put the budget back in order by cutting waste and protecting important priorities. The 2004 bi-partisan budget agreement invested more than \$1 billion in education, eliminated the state food tax, and put more police officers on the streets with the tools and the training they need to keep us safe. Their work earned Virginia recognition as the country’s “best managed state”—a title we’re proud to have held onto since.

As Governor, Creigh will help get Virginia’s economy get back on track through bold, responsible proposals that preserve Virginia’s low-tax environment and keep our distinction as the “best state for business.” He’ll provide tax incentives for businesses that create jobs; cut red tape that hurts small businesses; and train Virginia’s future workforce for the high-growth industries of the 21st Century. As Governor, he’ll also display the bipartisan leadership that has become his hallmark, working with Democrats and Republicans to solve Virginia’s transportation issue once and for all.

Sen. Deeds has long stood up to protect our children and families. He wrote Megan’s Law, which allows public access to the state sex offender registry, and sponsored the Amber Alert Program to keep our children safe. Using his relationships with law enforcement officers and his experience as a prosecutor, Sen. Deeds has led the fight against drugs, which includes the law that has turned the tide against homegrown illegal methamphetamine drug labs.

In addition to his work to cleanup the Kim-Stan landfill Superfund site, Senator Deeds has been a leader on conservation and environmental issues, helping to make a landmark commitment to preserve open space and protect Virginia’s natural beauty for the generations ahead. For his tireless work and advocacy, he received the Leadership in Public Policy Award from The Nature Conservancy, and the Preservation Alliance of Virginia named him Delegate of the Year.

Jody Wagner

For more than 25 years, Jody Wagner has called Virginia home—raising four children, building a small family business, playing an active role in the Hampton Roads community, and serving as a key

member of the team that got Virginia back on the right track during the Warner and Kaine Administrations. She has forged a reputation for bipartisan leadership, as she put principle before politics to work across party lines, producing results for Virginia families.

As the former State Treasurer and Secretary of Finance, Jody has played an integral role in establishing the Warner-Kaine record of success, which includes creating over 200,000 new jobs. Working with Governor Warner, Jody was a part of the team that got Virginia’s economy back on track by helping to balance a budget that faced a \$6 billion shortfall, all while maintaining the state’s crucial AAA credit rating and securing historic investments for public education.

As Secretary of Finance under Governor Kaine, Jody was a part of the team that kept Virginia moving forward, helping to establish the country’s best environment for starting and growing businesses. She displayed bipartisan leadership on a number of critical issues, working across party lines to create consensus for the historic Higher Education Bond Package in 2008, which invested \$1.6 billion in 76 buildings on college campuses across the Commonwealth. Along with Governor Kaine, her efforts were rewarded with Virginia again being noted as the “best managed state,” and earning nearly a dozen “top state for business” awards in the last four years alone.

As a former Cabinet member, a small business owner, and a proud mother of four, Jody understands the challenges that Virginia families face. She is committed to carrying on the Warner-Kaine record of success to create new jobs, grow the economy, improve our public education system, and fix Virginia’s transportation mess. For Jody, the role of Lt. Governor will always be about the next generation, not the next election.

Steve Shannon

Steve Shannon is running for Attorney General to carry on his record of working to keep Virginians safe. As a former prosecutor and three-term State Delegate who has made a name in Richmond helping to lead the fight against crime in the Commonwealth, Steve will put his experience to work, helping to keep Virginia a safe place to live and raise a family.

Steve has dedicated his career to keep Virginians safe. During his time as a criminal prosecutor in Fairfax County, he was a part of the crackdown on sexual predators, drug dealers, and drunk drivers. Along with his wife, Steve led the effort to set up the Virginia’s first Amber Alert program that broadcasts instant public alerts in cases of missing or abducted children. In the House of Delegates, Steve partnered with Governors Mark Warner and Tim Kaine to move Virginia forward, providing a strong voice on behalf of families, while working hard to enhance the Commonwealth’s business environment.

As Attorney General, Steve Shannon will continue his work to make Virginia a safer place for families, by cracking down on sexual predators who target children, protecting seniors from telemarketing scams and other con artists, and attacking gang violence. Virginians can feel safe with Steve Shannon in Richmond.

Following the leadership of Mark Warner and Tim Kaine, Virginia Democrats have developed a long record of success. Virginians trust our Democratic leaders to maintain the Commonwealth’s fiscal integrity, create new jobs, preserve a strong climate for business, and invest in priorities like education. I’m honored to live in a place noted as the “best managed state,” the “best state for business,” and the “best state in which to raise a child.” Creigh Deeds, Jody Wagner, and Steve Shannon are the team to continue the Warner-Kaine record, and keep Virginia moving forward.

C. Richard Cranwell is Chairman of the Democratic Party of Virginia.

Importance of the Ticket in the Fall Statewide Election

By BILL SHENDOW

When political conventions were in vogue in the Commonwealth, party leaders placed a great deal of importance on crafting a balanced ticket. A balanced ticket meant providing a slate of candidates for Governor, Lieutenant Governor and Attorney General who would complement one another geographically, ideologically and have support among those groups important to the party's success. More recently with both parties relying on primaries to select candidates, the influence of party leaders has declined as has the emphasis on balancing the statewide ticket. One should, however, not conclude that the make-up of a party's ticket is unimportant. While political analysts have focused on other factors such as the candidate's appeal, the availability of campaign resources, issues and the changing face of the electorate, the make-up of the statewide ticket is important enough to influence the outcome in a competitive statewide election. This being the case, which party benefits most from the make-up of their 2009 statewide ticket?



Geographically both the Republican and Democratic tickets appear to be balanced. Democratic candidate for Governor Creigh Deeds has ties to southwestern Virginia and those more rural areas of the state where Democrats have traditionally not fared very well. It remains to be seen if this will translate into additional votes for the remainder of the ticket. Deeds running mates, Jody Wagner, candidate for Lieutenant Governor, and Steve Shannon, the Democratic candidate for Attorney General, both hail from voter rich areas of the Tidewater and Northern Virginia. However, both have had limited exposure in these regions and cannot be counted upon to bring much in the way of a base of support to the ticket. On the other hand, Bill Bolling, the Republican candidate for Lieutenant Governor, and Bob McDonnell, the Republican candidate for Governor, have quite a bit of campaign experience in their native regions and have done quite well on election day. Bolling produced from 20 percent to 30 percent margins in his native region of suburban Richmond when he ran successfully for Lieutenant Governor in 2005. McDonnell's margins of victory in Virginia Beach have also been impressive. Both can be expected to bring strength to the ticket in these regions. Only Republican candidate for Attorney General, Ken Cuccinelli lacks a strong base of support in his native region of Northern Virginia. Taken collectively, one can conclude that at the start of the campaign the Republicans bear a slight advantage when considering the geographical make-up of the statewide tickets.

Race and gender representation on state tickets have been of mixed importance to the two parties. In recent history Republicans have not had either a minority or a woman on their statewide ticket. On the other hand, balancing the statewide ticket with representation of an African American and a woman candidate has been a major consideration among Democrats. Past evidence, particularly regarding race, bears out the importance of a balanced ticket to Democratic success. With one exception, when Democrats have had an African American on their ticket they have been successful in electing a Governor. In the absence of an African American on their ticket the Democratic candidate for Governor has usually lost. This would appear to present a problem for Democrats in the 2009 statewide race since an African American is not on their ticket. The salvation for the Democrats will be the use of surrogates to rally African Americans support on election day. Already three influential African American officeholders, Congressman Bobby Scott and State Senators Don McEachin and Henry Marsh, have all indicated a willingness to campaign actively in behalf of the Democratic ticket. You can also bet that the African American community will be energized by

appearances of the ultimate surrogate, President Barack Obama.

Having a woman on the ticket would appear to be a plus for the Democrat ticket. Whether or not this will translate into support for the ticket will depend on the extent to which Lieutenant Governor candidate Jody Wagner proves to be an effective statewide campaigner and articulator of women's issues. While Republicans will attempt to write off her candidacy as a mirror image of the liberal Leslie Byrne who ran unsuccessfully for Lieutenant Governor in 2005, Jody Wagner's candidacy could potentially be a rallying point for women throughout the state and a significant contributor to her party's ticket. At the start of the campaign the potential is present. The campaign will determine if this potential becomes reality.

A balanced ticket ideologically has come not to mean that all party views are represented equally on the ticket, but rather that the ticket is sufficiently united on political issues so as to have a broad appeal within the party and among those independent voters necessary for victory. To a degree both the Republican and Democratic tickets are balanced. However, the Democratic ticket appears to be better positioned to reach outside party ranks and appeal to the independent voter. Democrats did this successfully in 2001 and 2005. In 2009 past standard bearers, Tim Kaine and Mark Warner, will join the current ticket in making the case that because Republicans focus on social issues at the expense of issues of the economy, education and transportation, they are outside of Virginia's mainstream and should not be elected. Bob McDonnell and Bill Bolling are both positioning themselves to counter this argument by running a campaign based on traditional Republican values of too much government, too high taxes and too much unnecessary spending. Whether the more socially conservative Republican Attorney General candidate Ken Cuccinelli follows suit remains to be seen.

When all components of a balanced ticket are taken into consideration there appears to be little that gives one party a significant advantage over the other. The regional bases of support which will be brought to the Republican ticket by candidates McDonnell and Bolling provide Republicans a slight advantage. However no candidate of either party appears to have an overwhelming base of support in Northern Virginia where the last two statewide races have been decided. Race and gender ticket considerations appear to favor Democrats. However, the Democratic ticket will have to rely on surrogates to overcome the past history of losing when an African American is not on the statewide ticket. Ideologically, both tickets are united, though it will be up to the Republicans to mount a campaign that positions the ticket in the mainstream of Virginia politics. The election outcome at the start of the campaign is very much in doubt. The race is so close that any change in the collective strength and appeal of the party tickets during the campaign is likely to influence the election's outcome.

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The 2009 Party Contests—Looking Ahead (Or Not)

By ED LYNCH

A Surprise on the Democratic Side

Probably no one in Virginia was more surprised by the results of the 2009 Democratic gubernatorial primary than Terry McAuliffe. But Republican nominee Bob McDonnell must have been a close second.

For weeks before the June 10 Democratic voting, McDonnell had focused most of his planning and all of his rhetoric on McAuliffe. In this regard, McDonnell agreed with the majority of political analysts in Virginia, who also expected the former national Democratic chair to be the nominee.

Instead, a quiet and largely lackluster State Senator from Virginia's long-past-its-prime coal country cruised to a surprisingly easy victory. Sen. Creigh Deeds won 10 of Virginia's 11 Congressional Districts, even besting the former Clinton aide in the 11th District, which includes most of the most liberal Democratic precincts in the Commonwealth. McAuliffe managed a win only in the minority-majority 3rd District, and even there, Deeds came within 1000 votes.

The pundits who failed to consider Deeds missed more than a single voting trend in a single low-turnout primary. They missed a sea change in the Virginia Democratic Party, which makes the party an even more formidable opponent than its recent successes indicated.

When Democrats won the governorship in 2005, observers took note. When Democrats unseated a popular Republican U.S. Senator in 2006, they took note again. In both cases, however, the losing Republicans ran campaigns of near-epic ineffectiveness, with Jerry Kilgore trying to link Tim Kaine to Adolf Hitler, and George Allen destroying himself with "macaca."

Similarly, Virginia Democrats' lopsided wins in the 2008 Presidential and U.S. Senate elections could be at least largely attributed to the hapless opponents that Barack Obama and Mark Warner faced on their way to victory. In all four of these statewide losses, Republicans largely failed to say anything about their own plans for office or for policy-making.

Along the way, however, Virginia Democrats became accustomed to winning. After Jim Gilmore's landslide gubernatorial victory in 1997, the large gains Republicans made in the General Assembly in 1999 and George W. Bush's two easy statewide wins, some observers believed that Virginia Democrats were headed for permanent minority status.

Such despair never reached to the Democratic rank and file. Warner's gubernatorial win in 2001 showed that all was not lost. The fruits of his victory brought the desire for more victories, and, eventually, the expectation of victory.

This brings us back to the 2009 primary. What Republican Bob McDonnell could not hide from his pre-primary rhetoric was how much he relished the opportunity to take on McAuliffe in November. With his short residence in Virginia, his ties to Bill Clinton, his unabashed use of out-of-state money, and his liberal positions on most issues, McAuliffe was a dream opponent for McDonnell.

But what Bob McDonnell could see, Democratic primary voters could see also. McAuliffe, as much as he might appeal to the hearts of hard-core Democrats, did not win over their brains. Deeds' supporters may not thrill to his speeches, but they think he can win over McDonnell, and Democrats want to win. Deeds can be accused of being lackluster, and even ineffective in the Senate, but he cannot credibly be called a liberal, a carpetbagger or a millionaire. He has compelled McDonnell and the GOP to alter their tactics. Deeds' election shows a maturity and foresight among Democratic activists that is coupled with a deep hunger for more victories.



Myopia on the Republican Side

A few days before Democrats went to the polls, tens of thousands of Republicans gathered at the Richmond Coliseum to officially nominate McDonnell for Governor. Incumbent Lieutenant Governor Bill Bolling had only token (but bitter) opposition for the nomination, but Republicans faced a genuine race for Attorney General. In this race, Republican activists largely failed to show the same maturity and vision as their Democratic counterparts.

State Senator Ken Cuccinelli, the eventual nominee, based his campaign largely on the hearts of his devoted followers. An arch-conservative with impeccably strong pro-life and pro-marriage credentials, Cuccinelli appealed to those for whom 100 percent-pure stands on issues matter more than wielding actual power.

Cuccinelli's main opponent, former U.S. Attorney John Brownlee, took stands on issues that were every bit as conservative as Cuccinelli's. Like the Fairfax Senator, Brownlee brought thousands of political newcomers to Richmond, and thrilled them with a red-meat barnburner nominating speech.

But there was an essential difference between the two men, which no one in Richmond discussed. Cuccinelli, if elected Attorney General, will have to resign his state senate seat. The nature of his district, and the tenuous hold that Cuccinelli himself had on the seat, makes the special election that would follow Cuccinelli's win a near certain pickup for the Democrats. With Brownlee, Republicans would have gotten all the conservatism they wanted, and retained a crucial senate seat.

Put differently, Republicans chose their nominee with their hearts. Democrats chose theirs with their brains.

The November Race

By itself, taking the Republicans by surprise does not guarantee Deeds a win in November. McDonnell has improved immeasurably on the stump since he faced Deeds four years ago in the race for Attorney General. McDonnell has a largely united GOP behind him, strong organizational skills and the discipline to stay on message.

Moreover, not having McAuliffe to attack has forced McDonnell to emphasize his own plans (for taxes, transportation, economic development, education, etc.). This is good news for the Republicans, since they win in Virginia only when they are perceived as having better ideas. If McDonnell's win is large enough, he is likely to carry Bolling and Cuccinelli with him. The fortunes of the three now hang together.

And in the end, this may be the GOP's saving grace. The Democrats, thanks to their hard-fought primary, have three separate statewide candidates. The Republicans, with only one contested office, nominated a ticket.

Dr. Ed Lynch is a professor of political science at Hollins University.

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Conserving Precious Land

By GOVERNOR TIMOTHY M. KAINE

One of the most ambitious environmental protection goals of my administration has been land conservation, and I am proud to report that we will soon count this great effort as a great accomplishment. In April 2006, within a few months of taking office, I announced a goal of preserving 400,000 acres during my term. Today, with more than 336,000 acres having been conserved since my initial announcement, we are on track to meet, and possibly exceed, that goal.



Land conservation plays an important role in maintaining air and water quality, preserving habitat for wildlife and providing outdoor recreation opportunities for Virginians. It is critical to our quality of life.

Land conservation also has economic importance: Virginia's open spaces, historic sites, parks, and battlefields attract people and their tourism dollars from all over the globe. It is because of this multitude of benefits that I chose land conservation as the centerpiece of my environmental agenda, which I announced during my State of the Commonwealth address in January. My Renew Virginia initiative includes goals concerning renewable energy, energy conservation, green jobs, environmental protection and land conservation. By permanently protecting land, we can balance the needs of today with those of future generations.

When I took office more than three years ago, the state was conserving an average of 56,000 acres a year. Meeting a goal of 400,000 acres meant that our pace of conservation had to almost double. Many state agencies have played a role, but I'd like to give special credit to the Virginia Outdoors Foundation, which holds most of the conservation easements that have been donated in recent years. And of course, we all owe a debt of gratitude for the individual landowners who love their land enough to make a gift of permanent preservation to the Commonwealth.

Many of the acres that have been protected are private lands that have been placed under conservation easement. But land conservation also means that we will have more public lands, such as state parks, for future generations to enjoy. Last year, I worked with the legislature to pass a \$30 million bond package that state agencies can use to buy conservation lands. Look for announcements in the coming months about new wildlife management areas, state forests and natural-area preserves that the Commonwealth is acquiring with these dollars. The

General Assembly also approved my proposal to allocate \$5 million in matching grants to preserving our civil war battlefields. Those grants are leveraging private investment at a ratio of at least 2 to 1.

In recent months I have had the pleasure of making land preservation announcements that are typical of what we have accomplished. In May I stood in the forest in King and Queen County to announce preservation of 4,188 acres within the Dragon Run watershed. Earlier, I was joined by Speaker of the House William Howell on Slaughter Pen Farm to announce preservation of the historic Fredericksburg Battlefield. These two projects—natural parkland and a historic site—are typical and even symbolic of what we have accomplished.

400,000 acres is a significant area of land. For those of you in Northern Virginia, it's the equivalent of all of Fairfax County and about half of neighboring Loudoun County. Or if you're in Central Virginia, think of it as all of Chesterfield County and nearly all of neighboring Henrico County. Or, it's nearly the entire Eastern Shore. For those who use football fields as a measure, it would be 303,030 football fields, including both end zones.

The bottom line is that we will reach my goal of preserving 400,000 acres of open space. That means more open land that will act as a natural filter for water runoff, lessening pollution of our streams and rivers and the Chesapeake Bay. It means more territory for our wildlife and for our sportsmen and sportswomen to enjoy. And it means more preservation of our rich history. Meeting this goal is a great accomplishment for all Virginians. ▮



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Protecting Homeowners

By BILL MIMS, ATTORNEY GENERAL OF VIRGINIA

The number of home foreclosures in Virginia rose from 24,000 in 2007 to 68,000 last year. And the underlying problem is not likely to go away soon. In fact, as of December 2008, about 20 percent of all homeowners nationwide owed more on their house than its current market value.

As this troubling trend continues this year, our office is working to educate homeowners. We have awarded \$50,000 for foreclosure relief counseling for Virginians that are in danger of losing their homes to foreclosure.

These grant funds are from a court-approved settlement in January 2009 with Countrywide Financial Corporation. The settlement addressed alleged deceptive acts and practices with Countrywide's mortgage activities in Virginia.

The \$50,000 contribution will fund grants to nonprofit counseling agencies, and is projected to benefit about 200 Virginia families facing foreclosure.

In this difficult economic climate, an unprecedented number of families are struggling to make ends meet. I am pleased that these funds from the Countrywide settlement will provide a real benefit to Virginia families in danger of losing their homes to foreclosure.

The donation will supplement funds allocated by the Virginia Housing Development Authority (VHDA) and the Department of Housing and Community Development. VHDA will administer the grant program.

Susan Dewey, executive director of the VHDA, was instrumental in this partnership. She said, "I am excited that our partnership will help homeowners receive the counseling that they need, as we work to keep Virginians in their homes."

Our office is encouraging Virginians facing foreclosure to work directly with their lenders or servicers to see whether a loan modification or other relief is possible. Virginians also may consult with a HUD-approved foreclosure avoidance counselor, or the Homeownership Preservation Foundation's HOPE Hotline, toll-free at 1-888-995-HOPE.

Governor Kaine also has taken meaningful action. The Governor's foreclosure prevention Web site, www.virginiaforeclosureprevention.com includes more data on laws and homeowners' rights.

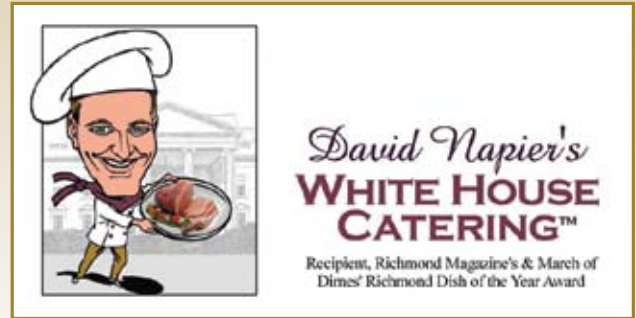
As we continue to enforce laws that protect Virginians, we urge homeowners to be vigilant and observant to avoid potential scams. Our economic realities breed those who wish to prey on homeowners. Reports of such unscrupulous persons posing as mortgage loan modification or foreclosure prevention companies have risen across the nation in recent years.

The last thing distressed Virginians need is to be misled by opportunists. In a phony counseling scam, someone tells you that he can help you negotiate a workout deal or refinance with your lender if you pay him first. In the end, he takes your money and does nothing.

Homeowners can protect themselves by avoiding any foreclosure rescue business that engages in any of the following conduct:

- guarantees it can stop the foreclosure process, no matter what the homeowner's circumstances
- instructs homeowners not to contact their lenders, lawyers or credit counselors
- collects a fee before providing services
- requires homeowners to make mortgage payments to it as opposed to their lenders or servicers. A law that amended the Virginia Consumer Protection Act, put into effect on July 1, made it illegal for mortgage foreclosure operators to charge advance fees for mortgage foreclosure prevention transactions.

Consumer protection is an important statutory duty of the Office of the Attorney General, and our staff can help. In an age of increased consumer awareness, we all must continue to be educated and vigilant. ■



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General Assembly Action on Unemployment Compensation

By DELEGATE JOSEPH F. BOUCHARD

Unemployment compensation became a contentious political issue in 2009, but the General Assembly was able to take positive action to enhance certain benefits at a time when they were badly needed due to a worsening recession and growing unemployment. This included taking advantage of significant funding made available to the Commonwealth in the American Recovery and Reinvestment Act (ARRA). Unfortunately, inaccurate information and a consequent lack of understanding of one ARRA provision led to the House of Delegates rejecting additional funds badly needed by Virginia families suffering from the recession—funds that also would have benefitted Virginia businesses and help pull our state's economy out of the worst recession since the Great Depression.

Unemployment is a serious problem in Virginia. As of February 2009, when the General Assembly was debating whether or not to accept ARRA unemployment funds, Virginia had a 7% unemployment rate, with 291,101 unemployed individuals. Unemployment in Virginia is now at 7.2%, with 293,178 Virginians out of work. But unemployment is not just a matter of cold, hard statistics. These unemployed Virginians are our neighbors: decent, hard-working people who only want to get back to work, feed and care for their children, and be a part of Virginia's economic recovery.

The General Assembly enacted important legislation on unemployment benefits in the 2009 session. House Bill 1889 postponed a scheduled increase in the minimum amount of wages an employee must have earned in order to be eligible for unemployment benefits from July 5, 2009 to July 4, 2010. This bill ensured that low wage workers who lose their jobs in the current recession would still be eligible for unemployment benefits. Senate Bill 1495 expanded eligibility for unemployment benefits to employees who voluntarily leave a job to accompany spouses on active duty in the military or naval services of the United States to a new permanent change of duty assignment. Both of these bills enjoyed strong bipartisan support.

Virginia was eligible for approximately \$62.5 million of ARRA unemployment funds as a result of having previously enacted an "alternative base period" that ensures the last completed quarter of a worker's employment is counted when determining their eligibility for unemployment benefits. There was additional good news on General Assembly action regarding ARRA unemployment funds.

Governor Kaine returned HB 1889 with a recommendation to make Virginia eligible to extend unemployment benefits for workers by 13 weeks on top of the regular 26 weeks and 20 week extension already in effect. The extension is based on a trigger unemployment rate of 6.5% for three successive months and was more than 110 percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years. The extension is fully funded by ARRA and expires upon the expiration of the stimulus. This amendment unanimously passed both houses of the General Assembly.

The General Assembly also acted to make Virginia eligible for ARRA funds for extended COBRA health insurance benefits. COBRA provides a 65% subsidy of health insurance premiums for laid off workers for three months. Governor Kaine returned House Bill 2024 with a recommendation to extend COBRA eligibility from three months to nine months for workers of businesses with fewer than 20 employees, allowing employees of small businesses to take advantage of the same federal subsidy that is offered to large businesses. It unanimously passed both houses of the General Assembly.

To be eligible for the remaining \$125 million in ARRA funds, Virginia had to expand eligibility to at least two of four groups specified by ARRA. Governor Kaine returned SB 1495 with a recommendation



to expand unemployment benefits in two categories: to extend benefits by 26 weeks to persons who lost jobs in declining industries and are enrolled in job training, and to make workers laid off from part-time jobs who are seeking part-time work eligible for unemployment benefits. The Governor's recommendation passed the Senate but was rejected by the House.

Opposition to accepting the \$125 million for expanded unemployment benefits was based on two arguments: that state enactment of the expanded benefits had to be permanent, meaning they never could be repealed for all eternity, and that they would force at drastic increase unemployment insurance taxes on employers, perhaps as soon as 2010. Both arguments were based on misinformation and misunderstanding of ARRA.

The U.S. Department of Labor made it absolutely clear prior to the "veto session" in April when the Governor's recommendation on expanded benefits was considered by the General Assembly that ARRA did not prohibit states from ever repealing expanded benefits. In a March 19, 2009 circular, the Labor Department stated, "If a state eventually decides to repeal or modify any of these provisions, it may do so, and it will not be required to return any incentive payments." The only restriction imposed by ARRA was that legislative action making a state eligible for ARRA expanded benefits funds could not contain conditions that might prevent the expanded benefits from becoming effective, such as an expiration date, the balance in the state's unemployment fund, or a legislative appropriation.

The Administration estimated that the \$125 million would have covered the cost of the expanded benefits for 7-10 years. Thus, employers would not have to pay a penny more in unemployment insurance taxes to cover the cost of the expanded benefits for several years. As Virginia's economy recovers from the recession and the need for the expanded benefits declined, the General Assembly would have been able to repeal the expanded benefits long before unemployment insurance taxes had to be increased.

But what if the General Assembly decided not to repeal the expanded benefits after the \$125 million is used up? The impact on unemployment insurance taxes was projected by the Administration to be an average of \$4.56 per employee per year if the expanded benefits remained in effect until the year 2018. To put that in perspective the Administration pointed out that at \$98 per employee Virginia's current average tax rate for unemployment compensation is far lower than the rates of surrounding states and well below the national average of \$285 per employee. They also noted that Virginia ranks 49th nationally in average annual tax rate per employee and even with the \$4.56 per employee per year increase Virginia's would remain one of the ten lowest in the nation.

The issue of expanded benefits last was erroneously linked with the issue of keeping Virginia's unemployment trust fund solvent, but that is an entirely separate issue. But solvency of the unemployment trust fund is not a valid argument against accepting the additional \$125 million in ARRA funds. As noted above, the expanded unemployment benefits would not have any impact on unemployment insurance taxes for several years.

The General Assembly should have fixed the problem of unemployment insurance taxes rising drastically when the economy is bad rather than turning its back on \$125 million in additional unemployment funds.

The General Assembly acted in a laudable bipartisan manner in the 2009 session on a number of bills related to unemployment benefits. Unfortunately, that bipartisanship broke down when considering the \$125 million in ARRA funds for expanded benefits due to misinformation and lack of understanding of ARRA. That was a disservice to Virginia families suffering from the recession. We should all resolve to return to bipartisanship on unemployment benefits in the 2010 session.

Delegate Joseph F. Bouchard is a Democrat and a member of the House of Delegates representing part of Virginia Beach (District 83). [M]

By DELEGATE JAMES P. "JIMMIE" MASSIE III

House republicans, especially a 29-year businessman like myself, clearly understand (and are experiencing) how tough the economy is. If you are one of the thousands of Virginians who are unemployed, the pain caused by this recession is real and immediate. We hear our constituents telling us, "It's the economy, Stupid"! As legislators, we are very focused on implementing good public policy that will stimulate Virginia's economy and create good paying jobs. That is why House republicans have done so much to help the unemployed in Virginia and made the right business decision during the April 8th Reconvene Session to reject Governor Kaine's jobs killing and prohibitively expensive expansion of unemployment benefits.

In February 2009, per the Virginia Employment Commission (VEC), Virginia's unemployment rate jumped to 7 percent, or approximately 250,000 persons. Furthermore, in February 2009 some 98,000 persons collected unemployment insurance benefits in Virginia. And these unemployment statistics are getting worse! With that information in hand, here is what House Republicans have done to help these unemployed persons:

First, on April 8th, House Republicans passed Delegate Sam Nixon's House Bill 1889. This bill extended unemployment benefits, for the second time, for an additional 13 weeks. Unemployed persons are now collecting benefits for 59 weeks instead of the typical 26 weeks.

Second, during the Reconvened Session, as a result of Delegate Danny Marshall's HB 2024, Virginia's unemployed from businesses of 20 or fewer employees will now have 65 percent of their COBRA health benefits paid for 9 months.

Third, some of the lowest income unemployed persons will not lose their benefits due to Delegate Nixon's bill.

Fourth, Virginia will receive \$62.5 million in federal stimulus money for the Unemployment Trust Fund due to past changes in our unemployment insurance laws. All four of these public policy initiatives were passed by House Republicans. Additionally, all four are temporary and paid for by the federal government's stimulus package.

What has received most all the media attention since the April 8th Reconvened Session, was that House Republicans rejected Governor Kaine's amendments to Senate Bill 1495 that would have allowed Virginia to receive an additional \$125.5 million for the Trust Fund, but would have cost, i.e. been a tax increase of, \$20.1 million per year (per the VEC) on Virginia's employers and employees. However, not one unemployed person in Virginia, who is eligible for benefits today, will lose a penny because SB 1495 did not pass.

In fact, it's likely many will receive an additional \$25 per week, a federal tax deduction on the first \$2,400 of benefits and an additional 13 weeks of benefits after the passage of HB 1889, all courtesy of the federal stimulus package. SB 1495, as amended, would have expanded, for the first time, Virginia's unemployment benefits to include approximately 7,900 unemployed workers who are formerly part-time workers and only looking for part-time work or workers who have exhausted their 59 weeks of benefits but are enrolled in a state approved job training program.

While on the surface both seem to be laudable goals, in fact the resulting tax increase on all of Virginia's employers and employees would have cost far more jobs than it would have helped and it would have been prohibitively expensive money. Why would you want to increase the unemployment "jobs tax" on all Virginia jobs during the worst recession since the Great Depression?



This would have been a very poor business decision and it would have cost far more jobs than it would have helped. Furthermore, the \$125.5 million in additional federal stimulus money, again at an annual "tax increase" cost of \$20.1 million to Virginians, would have been prohibitively expensive. Think of it like a mortgage, if Virginia had taken a \$125.5 million, one-time Trust Fund payment (i.e. "unemployment mortgage money") from the federal government and then had to make \$20.1 million in annual "mortgage" payments thereon, then the actual cost of funds or "mortgage" interest rate is 18.94 percent (assuming only 30 years of level payments and that the VEC's current \$20.1 million annual cost estimate is correct). Who, in their right mind, thinks Virginia should take out an 18.94% "unemployment insurance mortgage."

House Republicans are all feeling the economic pain, and we are very focused on public policy that will help all Virginians by stimulating Virginia's economy and creating good paying jobs, especially for the unemployed. That is why we made a great business decision on April 8th to reject Governor Kaine's jobs killing and prohibitively expensive expansion of unemployment benefits.

Finally, who is the most qualified to make the best unemployment insurance business decision for all Virginians...including the unemployed who need a job? Business oriented House Republicans and the vast majority of Virginia's business persons who support our decision? Or a lawyer, Governor Kaine, who has no, as in zero, business education, training or experience?

James P. "Jimmie" Massie, III, is a Republican member of the Virginia House of Delegates from Henrico County, District 72.



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Obama's Win in the 2008 Presidential Election in Virginia

By ANDREA Y. SIMPSON AND MANLEY ELLIOTT BANKS


The Presidential election of 2008 provided citizens, politicians, and political scientists more than a few puzzles to solve. One of these puzzles has to do with the Electoral College victory of Barack Obama in the state of Virginia. Many political pundits considered Virginia to be a political toss-up in the 2008 Presidential election. And it remained one until late into election eve. Given its large military personnel and retirement population, its support of Republican presidential candidates since 1964, and its socially conservatism on racial and salient social issues, it seem inclined to support McCain-Palin ticket. However, the Obama-Biden ticket had the advantages of a substantial increase in young and black voter registration in the state, a sizable population of politically and socially liberal suburban voters in Northern Virginia, and the presence of highly popular Democratic United States Senatorial candidate (Mark Warner) running.






Obama won Virginia with 52.63 percent of the vote to 46.33 percent for McCain. He was definitely an effective campaigner. Since 1968, racial cleavages frequently surface in presidential campaigns. In recent campaigns, the Republican Party presidential candidates have often exploited the race issue to gain an electoral advantage especially among white southerners. Obama, a black man, ran a deracialized campaign. A deracialized campaign, according to Charles Henry, requires the candidate to present a non-threatening image, avoid racially-loaded issues, and mobilize constituents as the grassroots level (Henry, 2008: 4). When we examine the campaign of Obama, there is no question that in the minds of most reasonable people, he is non-threatening. His style and manner do not conjure up the "dangerous and radical Black man." In fact, Obama's running mate and current vice-president once said, "I mean, you got the first sort of mainstream African American who's articulate and bright and clean and a nice-looking guy. I mean, that's a storybook, man." Obama neatly sidestepped racially-loaded issues such as welfare and crime. Fortunately, the Iraq War and the economy had far more salience. The issues that Obama chose to highlight as the centerpieces of his campaign, in addition to ending the war and repairing the economy, were reforming health care and the closing of the Guantanamo Detention center.

As an effective campaigner, Obama effectively mobilized a high voter turnout among young Virginians and Black Virginians. He brilliantly used the internet to mobilize young Virginians. As a consequence, he garnered 60 percent of the 18 to 29 age in Virginia (Election 2008). As we will see, he got dramatic increases in voter turnout among Black Virginians. Obama's electoral success is also partly because of some important inroads he made among independent and Republican Virginian voters. Overall, he clearly made significant gains over Senator Kerry among voters in virtually all localities. Obama's victory came primarily from the success he achieved in three most populous regions of Virginia: the Tidewater, Northern Virginia, and Central Virginia.


Running right.



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In the Tidewater region, voter turnout clearly rose in all its nine independent cities and four counties. The highest turnout was among the strongly Democratic cities of Norfolk, Hampton, and Portsmouth, which are majority-black cities. There was over a one-fifth increase in voter turnout in these cities (21.5 percent). The turnout increase was lower in the moderately Democratic cities of Newport News, Williamsburg, and Suffolk with the average being 16.4 percent. It was slightly lower at 14.3 percent among the four counties of the Tidewater region: Gloucester, Isle of Wright,

See *Obama's Win*, continued on page 26

Uranium Mining in Virginia

A Roll of the Dice?

By CHARLIE JUDD

Photo by Wanda Judd

Two glasses of water to drink are placed on a table. Both are clear. Both seem to taste the same. One glass was poured from a pitcher of water just drawn for the kitchen sink. One was poured from a jug of water drawn from the same well a few weeks earlier. Same source... the well on the residential property. The jug contains water that tested with safe levels of impurities...typically found in residential well water. However, the fresh tap water has now tested for high levels of impurities including lead that renders it unsafe for drinking. What happened during the weeks between the two samples of water? The drilling of deep test wells on the site of the proposed uranium mine. Also, according to a commercial well drilling contractor, three new wells in the area tested positive for radium.

Perhaps it's the definition of uranium, from Merriam Webster's Dictionary, that has many folks concerned about the plans to mine uranium in Virginia: "a silvery heavy radioactive polyvalent metallic element..." Or perhaps it is the definition of the ore *uraninite* from which uranium is extracted that instills fear: "a black octahedral mineral that consists of an oxide of uranium which usually contains thorium, lead, and rare earth elements..."

Anyone who has seen the movie *A Civil Action* with John Travolta, or *Erin Brockovich* that stars Julia Roberts, can possibly understand the concern being raised by those expressing opposition to the proposed mining of uranium in Virginia. These two movies are based on true stories of two separate incidences involving the terrible effects of what happens when toxic pollution goes unchecked. While the presentations are very dramatic, the facts are very telling.

More than twenty years ago, uranium was discovered in Virginia. Three Mile Island was still in the minds of many people, so concerns were raised about the safety of mining and milling uranium that the General Assembly passed a moratorium on uranium mining in Virginia. Since that moratorium is about to expire, the issue has resurfaced and with it a lot of emotion...based on real health and safety concerns.

The proponents make a case based on the need for domestic energy sources and economic development...lots of jobs for Virginians. The opponents also make a case based on the limited information that has been made available from trusted sources...sources other than those who would stand to profit from the mining...is it safe?

Since the primary concern is water contamination, those opposed to mining uranium reach all the way to the City of Virginia Beach. If the neighboring resident's well water is drawn from the same aquifer under the mine, their water may not be safe to ingest. It's possible that during the extraction and milling process—which uses lots of water—contaminated water could pollute the streams...that feed Lake Gaston...from which Virginia Beach draws its drinking water. Hence, the City of Virginia Beach has gone on record as being opposed to mining uranium.

So, on May 21, 2009, a subcommittee of the Virginia Commission on Coal and Energy voted to go forward with a study of the safety of uranium mining in Virginia. The study will be conducted by the National Research Council, the operating arm of the National Academy of Sciences, a respected institute that provides scientific advice to government agencies.

The study arises from a proposal by Virginia Uranium Inc. to mine uranium in Pittsylvania County in south-central Virginia. According to the Delegate Watkins Abbott, Virginia Uranium, Inc. is now wholly owned by a Canadian company.

The sub-committee was tasked with approving the outline of the study and spent much of the time debating the points of concentration of the study. Some committee members expressed concern that there was more emphasis on the *marketing value* and *profitability* of mining uranium rather than on the *health and safety* of mining uranium.

Question 1: If the reason for the moratorium in 1982 was because of the concern for the safety of Virginians, then should that not be the concern today?

Question 2: If, in fact, test drilling at the mine site could contaminate residential wells in the area, should the test drilling wait for the results of the study?

The study could cost \$1.5 million and last 18 months to two years.

Question 3: Who is paying for the study?

Charlie Judd is a Marketing/Communications Consultant based in the Richmond area. He can be reached at cej@j4com.com or cej@capitolsquare.com.



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JobQuest

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By JULIE NEWMAN

One of the main differences between public and commercial television stations is how they treat viewers: PBS stations regard them as citizens, not consumers. And at Blue Ridge PBS, the citizens expect local programming that is relevant to the community and responds to its needs.

So when the economy took a downturn late last year, Blue Ridge PBS-headquartered in Roanoke, VA-felt compelled to help people get back to work. That was a tall order for a station that serves 40% of the Commonwealth's landmass, as well as viewers in portions of four other states.

That call to action turned into *JobQuest*, a one-hour monthly program that is now the station's signature series, broadcast LIVE in HD from its Roanoke studio. The purpose of *JobQuest* is simple-to connect viewers with jobs in our region.

Every month, the program features at least 60 job openings throughout southwestern Virginia and offers informative segments about how you can shorten your job search. The interactive program allows people to call in and talk with human resource professionals about individual job search issues.

But providing a community service of this magnitude could not be done alone-Blue Ridge PBS reached out to ten resources across Virginia that specialize in employment services and brought each on board as a community partner.



Julie Newman interviewing Sen. Wm. Roscoe Reynolds (D)
20th District/Virginia Senate

JobQuest is working-making a tangible impact on people's lives. Celia Carter was watching *JobQuest*, saw a job opening she liked and called in for more information. The next day, she applied for the job and is now working full-time. She told viewers, "I had wonderful results with *JobQuest*, and public broadcasting. They were a dream come true." Another viewer, Roger Maynard says, "In these days and times, one has to use every resource out there... and *JobQuest* is a great one." In an email, viewer William Jay Bender writes, "I am looking for work... What a well done show and what a wonderful service! BRAVO!" The community response to the program has been so positive that Blue Ridge PBS has committed to producing *JobQuest* through the end of 2009. [E]



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Senator Mark Warner says, "Jody was a critical part of my administration and leadership team. From her strong fiscal stewardship to her ability to negotiate across party lines, she played a key role in many of our most important accomplishments in my four years as Governor. I'm proud to say with Jody's help, we created new jobs, maintained a strong business environment, and expanded opportunity throughout the Commonwealth."

Paid for by Linda Wyatt and Authorized by Jody Wagner, Candidate for Lt. Governor

Capitol Connections On The Scene



The Honorable L. Douglas Wilder, the first black governor of Virginia, addresses a July 17 gathering at the Capitol to recall the time known as "Massive Resistance."



David Bailey, Governor Kaine and Senator Phil Puckett at the Governor's Cup Mine Rescue Safety Contest at Southwest Virginia Community College-Activity Field. *Pierre Courtois, photographer*



Historical markers like these have long been enjoyed by Virginia citizens and tourists. Bonnie Atwood initiated this "Black Hawk" tribute in downtown Richmond. The Richmond Irish American Society has just put out the call for recommendations to mark the many spots where the Irish Americans have made contributions and sacrifices for the Commonwealth. To contact IAS, see <http://richmondias.org>.

Speaker Howell presents Republican candidates for the House to a gathering of lobbyists in Richmond. *Wanda Judd, photographer*





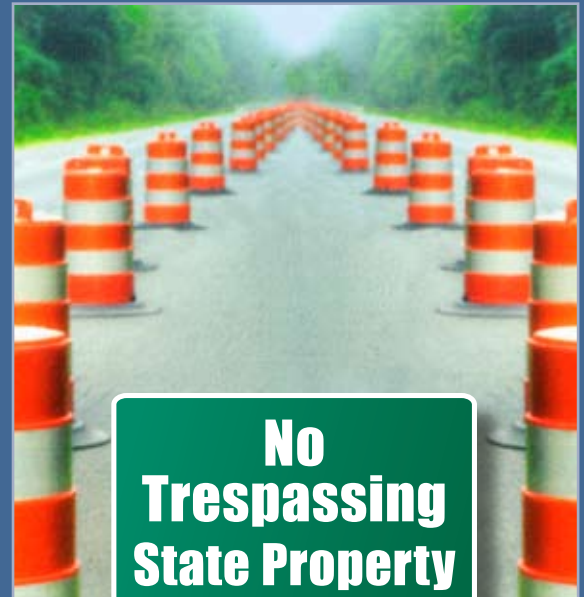
Governor Kaine ceremonially signs HB 2409, requiring the Board of Education to establish and implement grade-appropriate standards for teaching the causes and ramification of the Holocaust. *Michaele White, photographer*



Governor Timothy M. Kaine attends the Wise County RAM Clinic Health Expedition, which provides medical services to the uninsured and underinsured in rural Virginia. At last year's event, more than 1,800 medical professionals provided free dental, eye, and specialty health care to over 2,500 patients. *Michaele White, photographer*



Unveiling of Unique Program to Review Emissions: Governor Kaine announces a groundbreaking initiative to survey air pollution from facilities throughout the Commonwealth that were initially grandfathered by the 1970 Federal Clean Air Act. The event took place at Dominion Chesterfield Power Station in Chester, VA. *Michaele White, photographer*



**No
Trespassing
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Mark Flynn greets a colleague as the Virginia Coalition of High Growth Communities begins the summer meeting in Culpeper. *Wanda Judd, photographer*

Almost one half of Virginia's rest areas are closed. Helpful new signs appear on the highways changing the distance to the next rest area. New signage at the shuttered rest areas state "No Trespassing, State Property." Technically this is correct, but it rubs *Virginia Capitol Connections* wrong. It brings to mind the signs at the Capitol during the 1990s renovation—signs that stated "Property of General Services." Those signs were soon changed to read "Property of the People of the Commonwealth of Virginia." Today's signs—leave them as they are. Let's not add insult to injury. We the people do not want a "No Trespassing" sign reading "Property of the People of the Commonwealth of Virginia."

Citizens and Lawmakers Brace for More Sexting— Can it Prompt the New “Scarlet Letter”? By BONNIE ATWOOD

This story is about “sexting”—that crazy new Internet practice that combines sex and texting—a boon to kids, a bane to parents, and a godsend to predators. But wait—it’s about something else, too. It’s about innocent lives and reputations that can be ruined instantly, permanently, and literally with the push of a button. And if you’re thinking that this could never possibly happen to you, you might want to keep reading.



Witness the curious case of Ting-Yi Oei. (Disclosure: The family has been a friend to this reporter since college days. This account of events is based on court records, newspaper reports, and Oei’s description of what happened.)

Let’s start at the beginning. Mr. Oei works as a school administrator in Loudoun County. One day in March of 2008, a rumor started circulating that some of the students were sexting. By now we’ve all heard of it, but a year and a half ago was, technologically speaking, a long time ago. Oei’s job as an administrator was to investigate things like this. He called a student into the office, and, in front of other school staff, the student admitted having a picture on his cell phone, and showed the photo.

(Now, the rating of photographic art on a scale of appropriateness is a subject on which even Supreme Court justices can disagree, so we will not diverge into that judgment here. Suffice it to say that we’ve seen much worse on the shelves of our local suburban family supermarkets.)

Oei took the photo to the principal, who told him to transfer it to an office computer, in case it were needed for disciplinary evidence later. Thus began a series of events with which all non-geeks are very sympathetic. Oei is a very smart man, but he did not immediately know how to get the picture from that cell phone to the computer. So Oei called in the school’s technology specialist who was unable to help make the transfer. The student said he could send the picture to Oei’s cell phone, and then suggested Oei send it on to his school email address, where it stayed while Oei, with the help of the school’s Safety and Security Specialist, completed his investigation. The female in the photo was unidentifiable because her face (and most of the rest of her) was hidden, so the investigation came to a close. Oei made his report and went home for spring break.

Sometimes it just doesn’t pay to come back from spring break. The student got into trouble following the break for “flagging,” (pulling someone’s pants down), leading to his suspension. When Oei told the mother about that earlier photo, she became angry, according to Oei, and told him that unless Oei revoked the suspension for the flagging, she would see him in court.

Consequently, two sheriff’s investigators came to the school to investigate a parental complaint about sexting. Oei, trying to be of help, remembered the photo that was still on his cell phone. Oei didn’t even know how to retrieve it, so he gave the phone to the investigator, which he immediately returned, photo and all. It is said that no good deed goes unpunished, and Oei’s good deed was no exception. A month later he was charged with “failure to report suspected child abuse.”

Child abuse? This incident—kids seemingly consensually taking photos of each other—seemed to defy all categories. *Failure to report?* Oei had reported the incident to his superior, as the statute requires.

Oei’s hard-earned reputation as a good citizen, a family man, a Quaker, and as an administrator and teacher, continued to take a beating. In August of 2008, he was charged with “possession of child pornography.” Now he feared losing his job, enormous legal fees, the loss of friends, ugly news and blogs in the media, and, yes, prison time. Oei and his family and remaining friends stood firm as he was

transferred from the school to an out-of-school temporary assignment. He missed his school, and he worried about his future.

Then this past March, a judge dismissed all charges. *Wired* magazine wrote that he had been “falsely branded a child pornographer.” Oei wrote of his ordeal in an Op-Ed for *The Washington Post*, which was followed by a *Post* editorial critical of the prosecutors for bringing the charges. In June the school board voted 7-1 with one abstention to reimburse Oei for his legal fees. He is back at school.

“I’m on the path back,” said Oei, but he added “I wonder if I can every fully regain my reputation. For some people, no matter what, there will be lingering doubt.”

He added that he would like to see some better legislative protections for professionals, particularly educators, who are merely holding these materials in connection with their employment duties.

It goes without saying that Oei, along with the rest of polite society, stands firmly against the dangers of sexting, not to mention child pornography. On that principle, it is easy to reach agreement. But even the most active advocates against Internet crimes recognize that this new technology creates fuzzy lines, indeed.

Donna Rice Hughes is a nationally known spokesman for *Enough is Enough*, an advocacy group that aims to “make the Internet safer for children and families.” Her organization has partnered with the Virginia Attorney General’s Office on an Internet safety task force. She acknowledges the slippery slope on which a teenager can slide down from a “kidstuff” prank to a lifelong spot on the sex offender registry. One way to steer clear of the slope, she said, is through education. At the first instance, she said, the teenager should be given some type of probationary period and that time should be used as a “teachable moment.” Some may go on to commit worse offences, but many merely need a greater understanding.

Equally outspoken is Mary (last name withheld by request) who lives near Richmond and runs the Virginia chapter of *Reform Sex Offender Laws* (RSOL). Her story is how easily the innocent can be swept up right along with the guilty and stuck on the sex offender list for all the world to shun for anywhere from 15 years to a lifetime. Teens can land up on the list after consensual sex, for example, or emailing locker room photos. An accused person can be urged to plea bargain, not realizing that getting on the list is part of the deal. She is concerned that many citizens on the registry arguably pose no danger.

There may, indeed, be some legislative proposals in the works, regarding sexting, sex offender registry, or both. Virginia’s sex registration, administered by Virginia State Police, became effective in 2006, as set forth in Virginia Code § 9.1-902, following the national trend. The list has been particularly appreciated by schools, day care centers, and foster care programs. On its website, the Virginia State Police states that the police have not assessed the risk of re-offense or determined that these individuals are currently dangerous. People are included on the list solely by virtue of their conviction record and applicable state law. Modifications to the law are usually considered every year.

Asked about new bills regarding sexting, David Clementson, spokesman for the Attorney General declined to comment based on attorney-client privilege. In this case the clients would be the prosecutors, who come to the Office of the Attorney General for legal advice.

Delegate David B. Albo (R-42nd) is chairman of the House Courts Committee, as well as a member of the State Crime Commission. He said that he would not be surprised if legislators will be asked for more legal options that prosecutors can take—options in between (1) not charging the person with a crime or (2) charging the person with something that would require him to register. Kristen Howard, executive director of the Virginia State Crime Commission said that

Continued on next page

Finding Transportation Solutions

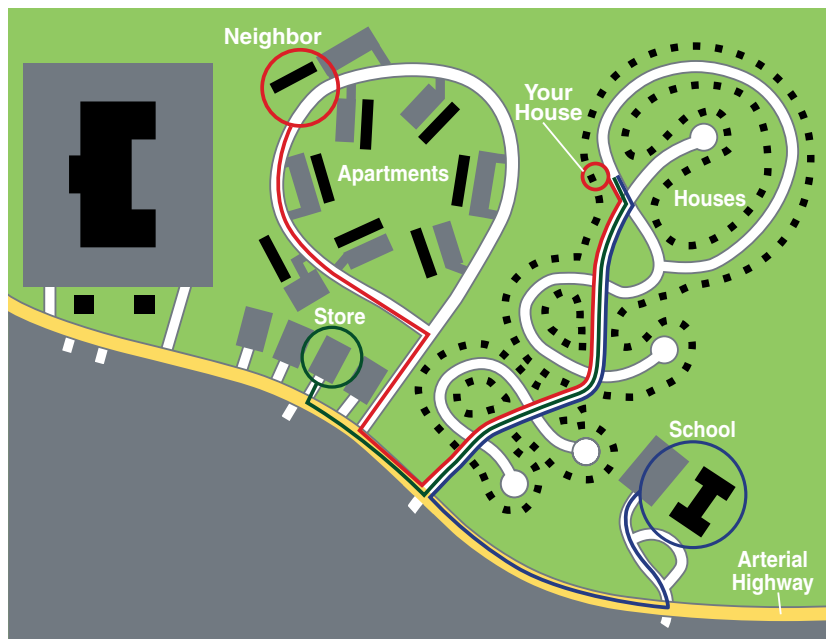
By NICK DONOHUE

In 2006, Governor Kaine entered office and made the first priority of his administration to find transportation solutions—more road, rail and public transit options and better linkages between land use and transportation planning. Over the last three and half years, significant progress has been made to improve the coordination between transportation and land use through initiatives such as traffic impact analysis, access management standards, urban development areas, and other programs.

Earlier this year, the Commonwealth Transportation Board adopted the Secondary Street Acceptance Requirements—the rules that govern the development of streets for acceptance by VDOT for perpetual public maintenance. The policy is a result of legislation introduced at the request of Governor Kaine and developed over a 22 month process that included a stakeholder committee, more than 20 informal public meetings and two public comment periods.

In the past, streets were accepted into the state system without consideration to relative benefit they provided the public. In recent years, the cost of maintaining the state's existing highway network has dramatically increased. At the same time the number of streets accepted into the state system and congestion have increased while state transportation revenues have decreased, creating a situation where the state had to re-examine its existing policies.

The Secondary Street Acceptance Requirements requires that new developments contain connections to adjacent property for the streets to be accepted for state maintenance. Developments with one-way in and one-way out place an unsustainable burden on the major highway network by forcing local trips—to buy a gallon of milk, visit a friend or pick up a child at school—to use these highways. Recognizing this impact, in the future streets in developments with only one access point will not be accepted for state maintenance. It is important to note that this policy does not prohibit developments with



only one access point. This policy allows residents to choose to have streets that connect to adjacent property, or if they would rather have private streets, to pay for the cost of maintaining those streets.

Connections between developments can help reduce congestion on major highways and reduce the need for costly widening projects. In addition, providing direct and alternative routes connections can help reduce vehicle miles traveled and greenhouse gas emissions. These connections can also improve emergency response times. The City of Charlotte found that increased connectivity between developments improved the efficiency and reduced the cost of emergency response.

This policy also makes several other important changes. A major concern of residents has been speeding on neighborhood streets. Studies have shown that as the width of local streets increase so does vehicle speeds and accident rates. More importantly, as vehicle speeds increase so does the severity of accidents. For example a pedestrian hit by a car traveling at 20mph has a better chance of walking away from an accident than surviving an accident where the car was traveling 40mph. This new policy uses context sensitive street design with reduced street widths which will help reduce speeds and improve safety. In addition, developers can use low impact development techniques within the street right-of-way which, along with the smaller street widths, will help reduce stormwater runoff.

This policy will ensure that streets accepted into the state system for perpetual public maintenance provide adequate public benefit.

Nicholas Donohue is Assistant Secretary of Transportation. Additional information can be found at www.vdot.virginia.gov/projects/ssar/.

Citizens and Lawmakers

from previous page

the commission is studying sexting right now, and will report back.

With every new tweak of technology, new potential crimes are invented. In the thirties, the invention of the machine gun and the availability of the automobile prompted John Dillinger and his brethren to perfect the art of the bank robbery. Their danger to society was never in dispute.

Now, enter the computer age. Most teens have cell phones and the ACLU reports a study showing that approximately 20 percent of all teenagers have sent or posted nude or semi-nude pictures of themselves (National Campaign to Prevent Teen and Unplanned Pregnancy, December 2008). Some of them have been charged with crimes.

Are they victims, predators, neither or all of the above?

Enough is Enough: Making the Internet Safer for Children and Families, www.enough.org. Parents and teachers may want to order the Internet Safety Course.

RSOL of Virginia: Reform Sex Offender Laws; Seeking Justice and Safety for all Virginians, www.rsolvirginia.org

Internet Access to Virginia Sex Offender Registry: www.sex-offender.vsp.virginia.gov/sor

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New Statewide Stormwater Regulations Being Developed

By GARY WAUGH

Nearly four years in the making, changes to the state's regulations regarding stormwater runoff flowing from newly developed and redeveloped properties are getting closer to completion. Studies show that stormwater is the only major source of water pollution in the region that continues to grow.

Rooftops, parking lots, sidewalks and streets do not allow rain water to soak into the ground. Stormwater runoff from these impervious surfaces picks up pollutants including nutrients, sediments, heavy metals, grease, oils and other toxics. These surfaces also greatly speed up the flow of stormwater leading to increased erosion with more nutrient and sediment pollution and destroyed aquatic habitats in nearby streams and lead to further degradation to waters downstream. Stormwater also contributes to flooding.

Having just gone through a 60-day public comment period, state staff is now analyzing comments received on the proposed regulations that include provisions for establishing local stormwater programs statewide, new water quality and quantity standards to better address such runoff, and a new fee structure to assist localities in operating the local programs. These changes are being proposed in accordance with legislation passed by the Virginia General Assembly in 2004 and the federal Clean Water Act. The Center for Watershed Protection and Virginia Tech are among the institutions that provided technical expertise and economic benefit analysis in developing the proposals.

"Enhancing these stormwater regulations is a key part of Virginia's overall approach to improving water quality statewide and restoring the Chesapeake Bay, in addition to those pollution reductions being pursued from sewage treatment plants and farmland runoff," said Joseph H. Maroon, Director, Virginia Department of Conservation and Recreation. DCR and the Virginia Soil and Water Conservation Board are overseeing the regulation's development.

As proposed, the new regulations allow each locality the opportunity to establish, and would provide a fee structure to pay for, local stormwater management programs. Some localities could opt-out and have DCR run a stormwater management program in their locality. Currently stormwater permits under federal requirements are issued statewide through DCR.



With each locality already running an Erosion and Sediment Control program, it is hoped most local governments will opt to run their own programs. Now, local stormwater programs exist only in localities in eastern Virginia covered by the Chesapeake Bay Preservation Act, localities that operate municipal separate storm sewer systems as directed by EPA, and a handful of other local governments that opted to have their own stormwater management programs.

"One benefit of localities adopting their own program is in having one set of local E&S and stormwater inspectors and one-stop-shopping for developers to obtain permits," said Maroon.

The proposed regulations also combine a more stringent phosphorus reduction standard with a new methodology for calculating runoff and new, cost effective, best management practices. The reduction standard for phosphorus, an indicator of other pollutants as well, will increase from 0.45 pounds/acre/ year to 0.28. The new reduction method of calculating runoff looks at one inch of **rainfall** from all surfaces on the property, as opposed to the current method that looked at one-half inch of **runoff** from impervious surfaces only. The new methodology brings Virginia's approach more in line with numerous other jurisdictions, gives a more accurate prediction of runoff and when combined with better site design and BMPs that enhance water reuse and infiltration, increases cost efficiency.

In addition, the regulations increase stream channel and flood protection measures and provide several off-site reduction options to help reduce costs associated with meeting the new regulations. The draft runoff standards are set at levels needed to help improve state waters and the Chesapeake Bay while still allowing for development to occur. The proposed rate of phosphorus runoff is not as severe as would be necessary to achieve a rate commensurate with a forested area, the land cover that would yield little or no impact to nearby waterways and streams.

Five public hearings were held across the state to gather public input. The hearings were held in July and comments were received through late August.

"We had several key issues, like unintended impacts on sprawl and grandfathering on continuing projects, identified during the comment period," said Maroon. "We are reviewing these comments and determining how, and where, changes to the proposed regulations are needed." Following that review by DCR staff, the final regulations will go to the Virginia Soil and Water Conservation Board for their adoption, through a state administrative review and final approval by the Governor. The new regulations will not take effect until after July 1, 2010 at the earliest.

Gary Waugh works in public relations for the Virginia Department of Conservation and Recreation. For more information on stormwater and links for viewing the draft regulations go to www.dcr.virginia.gov and click on "Policy, Regulations and Public Comments." ■



Technology Streamlines Workers' Comp By MATTHEW BRYANT

*"Injured In A Workplace Accident?"
"Been Hurt On the Job?"
"Paying Too Much for Insurance?"*

These are questions one might hear asked in radio or TV ads, but most Virginia workers and small businesses never have to struggle with them. For those who do, the Virginia Workers' Compensation Commission stands ready to assist employers with coverage issues, and injured workers in getting the benefits owed to them under the law.



Role of the Virginia Workers' Compensation Commission

The Workers' Compensation system, which was put in place in Virginia nearly a hundred years ago by the Workers' Compensation Act, provides a no-fault remedy for workers who are injured in their employment. Employer interests are also addressed through the Act, since injured workers must establish the conditions for compensability set out in the Act before they can recover benefits; this also precludes them from filing lawsuits. Employers are responsible for payment of the benefits provided in the Act, which they generally secure by purchasing workers' compensation liability insurance. Today, approximately 98 percent of Virginia's workforce is covered by workers' compensation insurance for the 200,000 Workers' Compensation accidents reported each year.

Since the passage of the Workers' Compensation Act in 1919, the Virginia Workers' Compensation Commission has administered the provisions of the Act and adjudicated disputes between parties to a worker's rights and an employer's obligations, as its mission dictates, in a fair and unbiased manner. Parties to a claim typically include Insurance Carriers, Third-Party Administrators (TPAs), Employers, Injured Workers (often called "Claimants"), and Attorneys. TPAs often manage claim activity on behalf of insurance carriers.

Commission's Charter

The Commission's long history as the Commonwealth's steward of the provisions of the Act has provided predictability and a source of deep expertise to its customers. "The Virginia Workers' Compensation Commission has a long been recognized as providing excellent service in processing workers' compensation claims and disputes," says William Dudley, who has been a Commissioner since 1998 and currently serves as Chairman. Prior to serving as Commissioner, Dudley practiced before the Commission for almost 30 years. While the Commission has certainly responded to amendments to the Act over time, it has developed a reliance on a decades-old system of paper-based, manual processing of Workers' Compensation claims. Given rapidly developing technologies, this approach has impacted the Commission's customer service focus, and inhibited the full and complete execution of its mission. That was largely an accurate

assessment until October 2008, however, when the Commission delivered the first phase of a project to modernize its technology, systems, and processes.

The Virginia Workers' Compensation Commission launched the multi-year initiative in October 2007, known as the Technology Alignment Program, to implement a host of new claims management systems to replace paper forms, manual processes, and legacy systems. The goal of the initiative is to enhance operational efficiency and customer service as the Commission fulfills its obligations under the Virginia Workers' Compensation Act. It is being led by Matthew Bryant, Program Director, with the sponsorship of the Commissioners of the Workers' Compensation's Commission—William Dudley (Chair), Virginia Diamond, and Roger Williams. The foundation of the two-year program is to use Electronic Data Interchange, or EDI, to efficiently collect basic case and coverage information. Customers then access this information via the internet through an application called WebFile, and then use WebFile to conduct claims-related business with The Commission:

- Claimants can now file claims and request hearings online
- Insurance adjusters can now report benefits changes electronically,
- and Attorneys (beginning fall 2009) will manage litigation over claims disputes through the system

Benefits of the Technology Initiative

Even though the initiative is still underway, the Commission has already processed nearly 100,000 accident reports electronically. Put another way, this represents 100,000 accident reports not filed on paper forms, nor stored in boxes at the Commission, nor entered by hand in the Commission's legacy computer system. It also represents 100,000 individual claim records available to Claim Administrators online and available for immediate case management activities. Furthermore, the switch to electronic filings represents savings for Insurance Carriers in terms of postage and administrative costs. These benefits will continue since, as of July 1, 2009, all new injury reports must be filed electronically. While going 100 percent paperless is often a difficult goal for any organization, the Commission has arguably made significant strides.

While their version of WebFile has only been available for three months, over 2000 Injured Workers, or "Claimants," have filed accident reports online, checked on the status of their claim, or requested a hearing in a disputed case. In terms of customer service, this represents a vast improvement over former manual, paper-based processes. Prior to WebFile, injured workers had to request a copy of their record in person or in writing; turnaround times on these requests were measured in days and weeks. Now, access is immediate for those claimants who have taken advantage of the new system.

Planned Benefits for Attorneys

When the initiative is complete, which is scheduled for November 2009, attorneys will note their representation, access case records, perform case management litigation activities, and receive formal notifications, all through the Internet and without reliance on paper. This exciting step is key to the Commission delivering state-of-the-art web-based service, which has become the standard for business today.

Virginia's Technology Alignment Program is significant in terms of its scope and impact. "We believe this program will help the Commission set a new standard in the industry," says Chairman Dudley. "It will provide a foundation for giving the best possible service to our customers." At its conclusion in November 2009, the Commission will have implemented seven new external and internal systems, modified the 250-person agency to address new operating systems and procedures, and executed a comprehensive modification of the Commission's processes.

Matthew Bryant is Program Director at the Virginia Workers' Compensation Commission. [V]



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New Chesapeake Bay Requirements for Localities

By LISA M. OCHSENHIRT

For decades, cleaning up the Chesapeake Bay has been a state priority and a rallying cry. State and local governments have invested heavily in cleanup measures. Virginians have volunteered, donated money, and provided input on how best to restore the Bay to its former glory—a home for blue crab, oysters, and fish, a workplace for fishermen and crabbers, and a refuge for recreational users.

Over the past several years, Virginia has made strides to reduce the amount of nutrients, specifically nitrogen and phosphorous, released into the Bay and its tributaries. In 2003, EPA and the Bay states established a cap for how much nitrogen and phosphorous that each state would be allowed to release. Bay-wide, they agreed to caps of 175 million pounds per year for nitrogen and 12.8 million pounds per year for phosphorous. In 2005, the Secretary of Natural Resources issued the Virginia Tributary Strategy, explaining how Virginia would allocate the nutrient cap loads (51.4 million pounds of nitrogen and 6 million pounds of phosphorous) among our major river basins and the point and nonpoint sources in those basins. Later in 2005, the State Water Control Board adopted nutrient caps on significant dischargers as state regulations.

Since 2005, Virginia's significant wastewater treatment facilities have been working to upgrade their facilities to meet their nutrient caps. The vast majority of these facilities are publicly-owned treatment works (POTWs) owned and operated by localities or wastewater



authorities and funded by local sewer rates. Approximately \$1.5 billion has been or is being invested in upgrades to reduce the amount of nutrients remaining at the end of the treatment process. Point sources (including POTW owners and private facilities) have formed the Virginia Nutrient Credit Exchange, one of the largest and most successful exchanges of its kind in the nation, to facilitate nutrient credit trading and help meet and maintain the stringent nutrient caps efficiently and effectively.

After roughly a decade of constructing wastewater treatment upgrades, local governments can be proud that Virginia's significant dischargers—mostly local government-owned POTWs—are poised to meet their caps by the December 2010 deadline. Achieving these caps will be a major success story; maintaining them in the future given population growth will be a challenge. In 2010, when EPA issues a federal cleanup plan known as a Total Maximum Daily Load (TMDL), it will be essential that the plan's caps mirror the 2005 state regulations, because Virginia's recent \$1.5 billion in treatment plant upgrades were designed and constructed based on those regulations.

Also of great interest to local governments is the tremendous regulatory change affecting urban and suburban runoff. The Tributary Strategy outlined \$7.5 billion in planned control measures. These measures are being refined and will take on regulatory status when EPA issues the TMDL. As with POTW upgrades, localities will bear the brunt of these costs. One likely but very expensive requirement is the required retrofitting of existing development (houses, commercial properties, etc.) to provide stormwater treatment for a significant percentage of the locality's impervious area (e.g., rooftops, parking lots, roadways) each year. This will bring challenges at the local level, not only in high costs but also in the development and implementation of strategies for existing neighborhoods.

With EPA and the states currently working to issue the TMDL by December 2010, state and local leaders have the opportunity to help define the effort that will be mandated and to address local

See *New Chesapeake Bay*, continued on page 23



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Virginia Fire Corps

“Engaging Citizens—Enhancing Service” By OLUFUNKE T. OWOLABI

Many Virginia residents have at some point or another volunteered with or heard of the Citizen Corps program partners: Community Emergency Response Teams (CERT), Medical Reserve Corps (MRC), Neighborhood Watch, and Volunteers in Police Service (VIPS). Each of the programs support the USA Freedom Corps, a grassroots effort to promote service, responsibility, and a sense of community by building on the generous spirit of the American people. The volunteer oriented programs share a common goal—to encourage citizens to help communities prevent, prepare for, and respond to natural disasters, terrorism, crime, public health issues, and other emergencies.

What is Fire Corps?

Fire Corps, the newest of the Citizen Corps partner programs, was launched in December 2004. The National Volunteer Fire Council in partnership with other fire service organizations provides program administration at the national level. The Fire Corps program provides non-operational community support using volunteers or citizen advocates. The primary goal of the program is to assist volunteer, career, and combination fire departments with addressing needs that would otherwise be unmet, thus enabling them to dedicate more time towards their core mission—responding to and preparing for emergencies.

There are many ways that citizen advocates can offer their time and talents to their local fire service. Some examples include:

- Program marketing;
- Public relations/media outreach;
- Carbon monoxide and smoke alarm home installations;
- Home safety checks and child care safety seat checks;
- Administrative tasks, such as bookkeeping, meeting facilitation, answering phones or filing reports;
- Grant writing;
- Historical preservation;
- Rehab unit staffing during routine and major incidents;
- Website development/maintenance;
- Fire/Life Safety campaign development.

The Commonwealth of Virginia recognizes the opportunity and potential of the Fire Corps Program for both Virginia's fire



Members of Goochland County Fire-Rescue Department's Fire Corps program serve as camp leaders for the organizations Fire Safety Camp. The camp is held each year in July.

service and the communities they serve. As a member of Virginia's Citizen Corps Council, the Virginia Department of Fire Programs (VDFP) encourages local fire and EMS departments to register for the program. The agency is committed to educating the fire service and community members about the program. In fact, they staff a full-time Virginia Fire Corps state advocate that provides resource identification, and program start-up assistance for localities that are interested in implementing Fire Corps.

Virginia residents can make a difference for their local fire and EMS department through Fire Corps. With 42 registered Fire Corps programs in the Commonwealth, there are plenty of opportunities available for citizens to offer their time and talent to the fire service.

To register a program, become a citizen advocate or learn more about Fire Corps, visit www.firecorps.org, or call (804) 249-1982.

Ms. Olufunke T. Owolabi, MPA, CTM, is Policy and Communications Analyst/Virginia Fire Corps State Advocate for Virginia Department of Fire Programs. ■

“Son of Virginia” Governor Wilder—Massive Resistance and the Times Dispatch • *A True History Lesson—Commentary*

By TYLER C. MILLNER, SR.

Fifty years have passed since the dark and humiliating days of Massive Resistance in the Commonwealth of Virginia—when the state political, civic and religious leaders failed the test of democracy, permitting some public schools to be closed instead of following the orders of the court to integrate.

This nightmare of Virginia history was revisited on July 17 in the state capital—seat of confederacy—hosted by the Center for Politics



headed by Dr. Larry Sabato which I was fortunate to be an attendee. The conference was a collection of former students, elected officials and civic rights leaders who shared their personal perspectives from this “historical period.” Essential to the thrust of the meeting was that of a collective perspective on the effects, legacies and residual of Massive Resistance.

Dr. Sabato, the state's political guru, authority and professor of politics (with a national reputation when it comes to political analysis and, most of the time right) provided a telling perspective to the conference and I quote:

“These were the times. Society was sick with the plague of racism. And instead of

helping to cure the disease, Virginia made it worse—much worse.

The state's elected leadership refused to accept Brown v. Board of Education the breakthrough Supreme Court decision in 1954, which held that separate, segregated schools were inherently unequal. Barbara Johns, a brave 16-year-old in Prince Edward County, had helped to precipitate Brown in 1951 by organizing a strike to protest the disgraceful condition of her all-black high school. The resulting lawsuit was one of five cases the Supreme Court heard under the name Brown v. Board of Education.”

Interspersed between four panel presentations, including a who's who list of See “Son of Virginia”, continued on page 27

The Future of Charitable Gaming: It's Anybody's Bet

By BONNIE ATWOOD

They say that what happens in Vegas, stays in Vegas. Some Virginians would prefer that all gaming stays in Las Vegas, but such is not the case. Virginia lawmakers met at a Richmond bingo hall in June as part of their study of Virginia's charitable gaming laws. The nine legislators, chaired by Delegate S. Chris Jones, met in a series of joint subcommittee meetings starting this past April.

Some thirty years ago, gambling was generally prohibited in the Commonwealth. That all changed in 1973, when an exception was carved out. Raising money through charitable gaming—represented must by bingo games—was codified in 1973. This income resource, used by nonprofit organizations from volunteer firefighters to religious congregations, was seen as taking some of the financial burden away from the Commonwealth. Good causes were supported through this strictly voluntary fundraising effort. Some folks have not and would not set foot in a bingo hall; but a lot of citizens started regarding their bingo nights as the greatest pastimes since sports and parades—they simply loved it.

The fundraising organizations have to comply with government regulations. The law, which has been changed bit by bit over the years, is getting another hard look with respect to such topics as:

- gross versus net receipts,
- increased prizes,



- use of proceeds,
- audit fees,
- exemptions and exceptions,
- sale of raffle tickets, and
- 50-50 raffles.

As smaller games compete with bigger games, and charity objectives compete with business realities, many questions have arisen. The legislature may be drafting new legislation for introduction and discussion in General Assembly Session 2010. Legislators have stressed that they want to hear promptly from all those who have a stake in the outcome. Some lawmakers have acknowledged that bills which reflect agreement among stakeholders are more likely to be passed.

House members of the subcommittee are: S. Chris Jones, David B. Albo, Edward T. Scott, Watkins M. Abbitt, Rosalyn D. Dance, and Robert D. Hull. Senate members are: A. Donald McEachin, George L. Barker, and Jill Holtzman Vogel. For more information, go to <http://dls.state.va.us/gaming.htm>.

Bonnie Atwood is an award-winning freelance writer, working for Tall Poppies Freelance Writing LLC. She can be contacted at atwood@tallpoppiesfreelance.com.

Meeting Notice

House General Laws and Senate General Laws and Technology Special Subcommittees Studying Charitable Gaming Laws

Meeting Date: 9/15/2009

Meeting Time: 10:00 a.m.

Meeting Location: House Room C, General Assembly Building

Eyes for Those who Cannot See By KEN JESSUP

"Eyes for those who cannot see... hands for those who cannot turn pages." That slogan says a lot, not just for the service provided by the *Virginia Voice* it also answers a need to a grateful segment of the population in our Commonwealth.

The *Virginia Voice* is a radio reading service providing programming seven days a week to the blind and print disabled of Virginia. Established in 1978 as an independent non-profit organization with the stated mission of *"making available to blind, severely visually handicapped and physically handicapped persons the reading of current printed information and other specialized information that is otherwise inaccessible to them"*.

"I cannot think of anything that I have enjoyed more than hearing the current events read by your volunteers," said one of the participants. "With the *Virginia Voice*, I have regained some of the independence which I hold so dear," said another.

Readings include current printed material—newspapers, magazines and books, as well as newsletters, flyers and other informational publications by organizations that provide various services for those with disabilities. The primary means of broadcast is by way of closed-circuit radio broadcast, necessitating the use of specially manufactured radios, costing the *Virginia Voice* \$50 to \$90 each which the organization



provides to eligible applicants. *Virginia Voice* programming is also available to patients in several Richmond area hospitals and to residents of some senior living facilities by way of an audio channel on the TV connection in each room.

Currently, *Virginia Voice* serves approximately 2,500 individuals: 85 percent are blind, 15 percent are print disabled due to other disabilities, 58 percent are over the age of 70. An applicant must meet one of the following to qualify:

- be certified as legally blind,
- have partial vision, requiring vision aids other than eyeglasses,
- have a physical disability that prevents reading or,
- have any type of reading disability.

The organization has 200 volunteers who produce shows, serve as studio operators, do the reading, assist with mailings and deliver the radios. Funding for the organization comes from individuals, churches and other sources.

"Thank you for being the eyes for my mother when she could not see clearly," was one of the testimonials. Said another: "Yesterday your volunteer delivered your special radio and I am so very grateful. It has been over five years since I was able to read a newspaper or magazine"

One of the greatest obstacles encountered by those with "print disabilities" is the experience of being isolated from the community and the world around them. The inability to access printed information results in a significant disconnect with the community, loss of independence, dignity, sense of safety and security.

There are many resources for books on tape and Braille materials. *Virginia Voice* is distinctive in bringing current publications to those who cannot read a daily newspaper or a popular magazine and who have difficulty accessing news and information online.

Ken Jessup is a lobbyist with Ken Jessup and Associates.

You may contact him at (757) 513-3967 or kenjessup@cox.net.

To learn how you can volunteer for, or contribute to, *Virginia Voice*, call (804) 266-2477.

New Chesapeake Bay from page 19

budgeting to meet these new requirements. Needless to say, this first-ever regulatory cleanup plan for the Bay will bring significant financial challenges at a time when localities are contending with an unprecedented economic downturn.

Lisa Ochsenhirt is an attorney with AquaLaw PLC and focuses her practice on municipal water policy and projects in the Mid-Atlantic States.

Eternal Treasures: The Family Cemetery in Virginia

By BONNIE ATWOOD

"They're just not making any more of the stuff." That's what my dear, eccentric old neighbor used to say about land. It's also true, unfortunately, of family cemeteries. We've got a lot of them in the Commonwealth. Some of these cemeteries have room for a few more burials. But when these are used up, that's it. Another characteristic of our past—some would say a most meaningful one—will be gone forever.

To some observers, they may be crumbling eyesores. To some they may be obstacles to envisioned building projects. To some they may be barely noticeable bumps on the horizon. To many they are sacred ground. They are sweet symbols of the souls that we have lost—people who were here for a few hours or for many decades—and people who mattered. Most had names and we want to read those names as long as the etchings will allow. Some say "Beloved wife of Abraham" or "Beloved Father." Some didn't get enough time for a given name, and they are forever known as "Baby Dodson" or "Baby Foster," but those infants were all the more important in their innocent heavenly departure. We wish so much that we could have known them and learned about the persons that they would have become.

The Old Dominion landscape is dotted with thousands of these family or small private cemeteries. During the European settlement of America, they were practical and plentiful, often located on the border of the family's fields, sometimes combined with those of neighboring families. Some consist of one or two graves, marked by fieldstones. Some hold as many as 40 graves, and are surrounded by sturdy, artistic stone walls or iron fences. Some of the cemeteries have names, and are listed by historical clubs in thick, lovingly compiled volumes. Others are eaten away by gophers or have stones knocked over by grazing cows, and no one is left who knows they were ever there.

The Sons of the Confederate Veterans pays tribute to the gravesites of those who fought in the Civil War. When Sons can determine a site, they clean up the graveyard. They sometimes install a marker for soldiers who may have no stones, and the marker is laid respectfully, sometimes in a ceremony with witnesses and flowers.

Many Northern soldiers died on Confederate soil and were buried here. Some Southern families, like mine, gave space to these men, who could not be sent to their homes in the North, in our own cemeteries. We honor them all.

I have visited four of my family cemeteries. Two are still in good enough condition for me to want to keep them beautiful and ready for additional burials when the time comes. The "Atwood Cemetery" used to be on my great-grandfather's farm in Page County, Virginia, along the winding Shenandoah River. The land is now owned by the U.S. Forest Service. To get there, you walk down a peaceful, private road through a thick forest of tall pines. It's better to visit in the winter, or early spring or fall, to avoid the ticks, snakes, and poison ivy. When you do, it is worth the trip. You'll know you're there because you'll



see the handmade wooden sign made by my father years ago. There's the grave of the tall, bearded patriarch, Nehemiah Atwood, marked by an obelisk, which was a common marker in the 1800s. Beside him are his wife and children, some of whom died as little children in one awful week during the flu epidemic, and others who led very long, full lives, well into their nineties. Some of the markers, even on the old graves, are relatively new, replaced by my family, because youthful vandals whacked the original stones beyond recognition. One wonders how such activities could be considered "fun," or how people could be so cruel.

Access to family cemeteries is protected by Virginia law. You can read Code Section 57-27.1 to learn the laws about visiting family cemeteries that are located within other people's private property. In summary, the owner has a duty to allow entry, but certain courtesies are required. For example, the visits must be reasonable and for the purpose of visitation or genealogical research only, one must not damage the land, and the visitor can be asked to give advance notice.

Wanting to know more about how to protect these cemeteries, I consulted the Virginia legislators in whose districts these cemeteries are located. The Honorable Todd Gilbert (15th House District) and The Honorable Mark Obenshain (26th Senatorial District) directed me to the Virginia Department of Historic Resources (DHR), as well as to Ranger Jim Smalls with the U.S. Forest Service. There are methods of getting your ancestral resting place "recorded" and then, one might hope, "listed" in a master directory. As land becomes more scarce, these listings afford some protection from future development; at least they serve as notice that your family cemetery, though it may be overgrown with weeds and briars from time to time, has not been abandoned.

There are helpful people at the Virginia Department of Historic Resources who will guide you through this. According to Quatro Hubbard, a DHR archivist, there are a few forms to

fill out. The first set, which is recording, is fairly easy. You fill out a simple survey, and you must pinpoint the cemetery on a map. This may be a little more challenging than it sounds. Our cemetery is surrounded by undeveloped land, so there are few landmarks. It's good to get a topographical map. We came up with something to go by. It's helpful to include photographs, and, just for the record, I added a list of the 14 people who are buried there. You make a site-plan; this can be merely hand-drawn, with any marks of distinction indicated on the plan. This adds your cemetery to the inventory of 180,000 sites (these sites includes bridges and other things, too; not just cemeteries).

It is more complicated to get your cemetery nominated to be on a Virginia Landmarks Register, and then on to the National Register of Historic Places. This is a challenging process for a family cemetery. The first step is to go to the Frequently Asked Questions on the website in the resource list below.

While these graves represent "ashes to ashes and dust to dust," and we envision these souls waiting for us in a better place, it is important to respect the physical remains, the symbolic markers, and the memories that we still have here on earth. Valuing and protecting Virginia's family cemeteries is one way to do that.

Note: If your loved one is a veteran, of any military branch or era, and does not have a marker, you can ask your local funeral director to help you to submit the documentation required to request a marker, sometimes at little or no cost to the family.

Bonnie Atwood is an award-winning freelance writer, working for Tall Poppies Freelance Writing LLC. She can be contacted at atwood@tallpoppiesfreelance.com.



Virginia Department of Historic Resources: www.dhr.virginia.gov

National Park Service Guidelines for

Evaluating and Registering Cemeteries and Burial Places:

www.nps.gov/history/nr/publications/bulletins/nrb41/

U.S. Department of Veterans Affairs,

Burial and Memorial Information: www.cem.va.gov

Virginia Department of Veterans Services: www.dvs.virginia.gov

Sons of Confederate Veterans: www.scv.org

Running right.



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Capitol Officer Ervin Blowe Earns Professional Bodybuilding Status

In May 2009, Division of Capitol Police Officer Ervin Blowe earned his professional bodybuilding eligibility status in the masters division (40+) of the Organization of Competitor Bodybuilders (OCB); International Fitness & Physique Association (IFPA). Earning this status will allow Officer Blowe to continue his bodybuilding career on a professional level with IFPA.

Officer Blowe has been competing in amateur body building contests since 1988. He started weight lifting as part of his rehabilitation from a broken leg while playing high school football. He enjoyed the sport and took a strong interest in the careers of professional bodybuilders such as Arnold Schwarzenegger, Lee Haney, Lou Ferrigno, and Frank Zane.

Over the twenty year period, Officer Blowe, as an all-natural bodybuilder, has consistently placed in the top five of every competition he entered throughout his amateur career.

Officer Blowe has competed in the OCB, an all-natural organization, for three years. The OCB was founded in 2003 and is based on the principles of:

- Offering quality bodybuilding in the US
- Providing opportunities for athletes to gain media exposure
- Offering competitors an avenue to advance to a professional level



- Enforcing a drug free policy by testing all participants (polygraph and urine).

Officer Blowe has been proudly serving with the Division of Capitol Police since 2007. [V]

Obama's Win from page 11

Matthews, and York. The lowest turnout average was 13.8 percent among the three strongly Republican cities of Virginia Beach, Poquoson, and Chesapeake.

Obama surpassed Senator Kerry in all the stated jurisdictions of Tidewater. Interestingly, Obama made significant inroads among independent and Republican voters. This can be seen in the three strongly Republican cities. Obama prevailed in Chesapeake, the third most populous city in the state, broke nearly even with McCain in Virginia Beach, the most populous city in Virginia, but lost in Poquoson, a small city.

In Northern Virginia, Obama inspired an increase voter turnout in the four counties and the independent cities of Alexandria and Manassas City. The average rate of increase was 18.9 percent for the six jurisdictions studied. The increase in voter turnout was as high as 28.6 percent increase in Loudon County over 4 years earlier. Once again, Obama did substantially better than Senator Kerry. In Loudon County, Obama gained a 10.6 increase over what Senator garnered 4 years earlier. Overall, there was an 8.2 percent increase in voter support for Obama over Senator Kerry in the region as a whole. Even in the Republican stronghold of Prince William County, Obama had an 11.1 percent increase over Senator Kerry in voter support.

In the third major region, Central Virginia, similar electoral results were found. Obama helped inspired a substantial increase in voter turnout compared to four years earlier. There was approximately one-fifth increase (19.2%) in voter turnout in the region in 2008 compared to the 2004 presidential election. The

City of Petersburg had an astonishing 30 percent increase in voter turnout. Interestingly, the two jurisdictions with the highest voter increases were the majority black cities of Petersburg and Richmond. Both exceeded 25 percent increases in voter turnout.

And in these two cities, as well all the other two independent cities and ten counties of Central Virginia studied, Obama garnered more voter support than Senator Kerry. For example, his increase over Senator Kerry was 7.6 percent and 9 percent in the cities of Petersburg and Richmond, respectively. Overall, Obama had a 6.4 percentage increase over Senator Kerry's performance in the region four years earlier. In the region's two largest counties, Chesterfield and Henrico, which are Republican strongholds, Obama had a nearly ten percentage point increase over what Senator Kerry garnered. It is clear that Obama made some significant inroads among independent voters and some Republican voters along with inspiring increase voter turnout among Democratic-oriented voters, especially Black and young Virginians.

References

Henry, Charles P. 2008. "Obama "08-Articulate and Clean," Black Scholar, 38:1.

Election center 2008, Retrieved at www.cnn.com/ELECTION/2008 on April 2008.

Andrea W. Simpson is an associate professor of political science at University of Richmond, and Elliott Manley Banks is an associate professor at the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University. [V]

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“Son of Virginia” from page 22

civic rights leaders both black and whites along with students from the era being assessed was the conference keynote address given by the illustrative and famed Governor L. Wilder, professor at Virginia Commonwealth University, immediate past Mayor, City of Richmond and a former governor of Virginia. I have heard my good friend Governor Wilder speak on many occasions addressing a mire of issues. His conference address was superb both for the order and discipline in delivery, but also for his “speaking to facts” and providing seasoned as well as informed observations.

My point is illustrated by these very insightful remarks made by the governor:

speaking proudly—“I am a son of Virginia,”

Calling the roll as well as tracing the steps of the giant legal minds—Thurgood Marshall, Samuel Tucker, Bob Ming, Pierre Trudeau, “Dutch Morial, Bob Carter, Wiley Blanton, Bob E. C. Hayes, Herb Reid, Spottswood Robinson and Oliver W. Hill, who prepared to argue the case against the state

My point also is illustrated by the homage Mr. Wilder paid to the high caliber and quality of teaching led by black teachers who inspired as well as instructed the students to be their best and that “Black students are equal in intellect and capacity to excel to the

height of human achievement” (writer speaking—when it comes to the achievement, expecting black boys and girls to achieve...despite the odds... if only we could clone the classic “black teacher.”)

Finally, I offer the comments made by the Governor responding The Times-Dispatch apology...which was both light and spoke only half the truth and I quote. “I read the piece,” said Mr. Wilder, “and, in a nutshell, found it to be quite evasive. Some would say ‘better late than never’, other might say, ‘If it is not sincere and heartfelt, why say anything at all.’” Mr. Wilder further comments on the light-hearted apology saying. Virginia’s newspapers—Times Dispatch/News Leaders—was the true voice of massive resistance...nor does it name Harry F. Byrd nor James Jackson Kilpatrick, who as editor of the newspaper, was the official voice of the massive resistance “doctrine.” He championed “the spending millions of taxpayer’s dollars in that failed attempted and he never swerved from that cause.” “...the regret does not take into account all of the effects on human lives, families, communities and the nation itself...”

There was much more and it is a good thing that the proceedings will be available both from the Dr. Sabato’ Center at UVA, as well other media outlets such as C-Span and PBS. ▀

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