



**2017 Debating for Democracy (D4D)TM
Legislative Hearing**

3:15 to 5:15 PM

March 30, 2017

**Eugene Lang College The New School for Liberal Arts
New York, New York**

Project Pericles thanks The New School for hosting this conference and appreciate the generous support of Carnegie Corporation of New York and The Eugene M. Lang Foundation.

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Introduction and Overview

Project Pericles® is a not-for-profit organization that encourages and facilitates commitments by colleges and universities to include social responsibility and participatory citizenship as essential elements of their educational programs. Founded in 2001 by philanthropist Eugene M. Lang, Project Pericles works directly with its member institutions, called Pericleans, as they individually and collaboratively develop model civic engagement programs in their classrooms, on their campuses, and in their communities.

Debating for Democracy (D4D)™ is a distinctive campus-based co-curricular program that represents the mission of Project Pericles in action. On each campus, students research, develop, advocate, and defend their positions and opinions on current public policy issues.

Legislative hearings provide a forum where citizens can testify before lawmakers on important public policy issues. The etiquette and protocols involved in testifying before a committee of lawmakers is challenging, however providing informative testimony is a critical step in the legislative process.

This past winter, students at Periclean colleges and universities were encouraged to write a letter to a federal or state elected official on a public policy issue that impacts their community. In February, student teams mailed their letters to their elected officials and also submitted copies to Project Pericles. A panel of judges with substantial legislative experience selected the five finalist letters.

At today's legislative hearing, each of the five teams will have 20 minutes to discuss their letter and take questions from three former government officials who comprise the legislative committee: former U.S. Assistant Secretary of State for African Affairs, Constance Berry Newman; former U.S. Under Secretary of Education, Martha Kanter; and former Manhattan Borough President, Ruth Messinger. The order of presentation was determined by a random drawing. Each team will have up to five minutes to read their introductory remarks, followed by a 15 minute question and answer session with the legislators. The winning team will be announced at the reception.

Project Pericles will award \$3,000 to the winning team to develop an advocacy and education campaign to move their issue forward. The four other teams will receive a \$500 award for the same purpose.

Project Pericles would like to thank all of the students who wrote a letter to their elected representative, and we look forward to hearing about their future advocacy efforts. It is clear that our Periclean students are well on their way to becoming engaged citizens and leaders of their communities, nations, and world.

Dedication

We dedicate this “Legislative Hearing” to Eugene M. Lang, Project Pericles Founder and Chair Emeritus, who was the inspiration behind the Debating for Democracy (D4D) National Conference and the “Legislative Hearing.” Gene’s vision, leadership, passion, and support have enabled Project Pericles from its inception to grow and thrive. As he wrote in 1999, “The philosophy of liberal arts is the philosophy of a democratic society in which citizenship, social responsibility, and community are inseparable. An educated citizenry is the essential instrument for promoting responsible social action and community well-being.” Through our programs we dedicate ourselves to continuing to bring Gene’s creative and important ideas to life. We appreciate the generous and ongoing support of the Eugene M. Lang Foundation.

About Eugene M. Lang: Eugene M. Lang pursued a business career for over 60 years, creating diverse manufacturing enterprises and joint ventures in the United States and more than 40 countries, based mainly on new products and innovative technologies. Recognizing his creative initiatives, *Forbes Magazine* characterized him as “the quintessential entrepreneur” and *Nation’s Business* as a “father of invention.” He and his Eugene M. Lang Foundation have a long history of philanthropic ventures in education, most notably the nationwide “I Have a Dream” Program. He has received many distinctions and awards, including more than 40 honorary degrees and official citations for his participation in eight overseas U.S. Government economic and trade policy missions. President George H.W. Bush designated him a “Point of Light” and President Bill Clinton awarded him the Presidential Medal of Freedom, this country’s highest civilian award. In September 2008, he was named “Citizen of the Year” by the National Conference on Citizenship. A 1938 graduate of Swarthmore College, he earned an M.S. degree from Columbia University and studied engineering at Brooklyn Polytechnic Institute. Married for more than 62 years, he and his beloved Theresa had three children, eight grandchildren, and eight great-grandchildren. He claims his biggest success has been his marriage and the strong sense of family that has grown continuously within an encompassing environment of love, respect, interaction, achievement, shared values, and social responsibility.

Order of Presentation

Swarthmore College

Carleton College

Reed College

Pace University

Berea College

Biographies of Legislators

Constance Berry Newman is Special Counsel for African Affairs at the Carmen Group and a Fellow of the Atlantic Council. She has served seven different presidential appointments and has extensive experience managing public and private organizations. She has worked to build partnerships between African governments, non-governmental organizations, and multi-national corporations in an effort to support African ownership and participation in development initiatives. From 2004-2005, she served as Assistant Secretary of State for African Affairs. She acted as the President's G8 personal representative on Africa, played an advisory role to the Secretary of State, and guided the operation of the U.S. diplomatic establishment in the countries of Sub-Saharan Africa. In 2001, she was sworn in as the Assistant Administrator for Africa at the U.S. Agency for International Development, and led efforts to administer economic and humanitarian assistance. She has also served as President and Executive Director of the Bush-Clinton Katrina Fund, Board Member of the International Republican Institute, Director of the U.S. Office of Personnel Management, Assistant Secretary of the U.S. Department of Housing and Urban Development, Commissioner and Vice Chairman of the Consumer Product Safety Commission, and Director of VISTA. She graduated from Bates College with a political science degree and earned her law degree from the University of Minnesota Law School.

Martha Kanter leads the College Promise Campaign, a national nonpartisan initiative to increase college access, affordability, quality, and completion in American higher education, starting with America's community colleges. She specializes in policy efforts to identify and apply innovative, evidence-based education interventions, financing models, and behavioral incentives at the local, state, and national levels to raise America's high school and college graduation rates in two and four-year colleges and universities. Dr. Kanter also serves as a Distinguished Senior Fellow at New York University's Steinhardt Institute for Higher Education Policy. From 2009-2013, she served as the U.S. Under Secretary of Education, responsible for overseeing all federal postsecondary statutory, regulatory, and administrative policies and programs, including Federal Student Aid. Previously, she served for 16 years as President of De Anza College and then Chancellor of the Foothill-De Anza Community College District in Silicon Valley, California.

Ruth Messinger is the inaugural Global Ambassador of American Jewish World Service (AJWS), an international human rights and development organization, which she served as President and CEO from 1998 to 2016. Under her leadership, AJWS granted more than \$270 million to promote social justice in the developing world and fought for policy changes in Washington. As Global Ambassador, Ruth works to engage rabbis and interfaith leaders to speak out on behalf of oppressed and persecuted communities worldwide. In addition, Ruth is serving as a Fellow in Social Justice at the Jewish Theological Seminary of New York and mentoring the CEOs of several smaller not-for-profit organizations. She recently served on the U.S. State Department's Religion and Foreign Policy Working Group and is a member of the World Bank's Moral Imperative working group on extreme poverty. Before coming to AJWS, Ruth had a 20-year career in public service in New York City as a city council member and Manhattan Borough President. She has ample experience in public speaking and says it all started in the debate club in her high school. She received a B.A. from Radcliffe College (magna cum laude) and a M.S.W. from the University of Oklahoma.

BEREA COLLEGE

A Letter in Support of the Safe Drinking Water Act (H.R. 417) and an Amendment to Require the Improvement of Consumer Confidence Reports and Stabilize Funding for the Drinking Water State Revolving Fund

The Honorable John Yarmuth (D-KY 3rd)
United States House of Representatives
600 Martin Luther King Jr. Place – Suite 216
Louisville, KY 40202

February 1, 2017

Dear Representative Yarmuth:

Across the nation, in our state of Kentucky, and in my own home in Louisville, there are families paying for water contaminated by deadly chemicals and pollutants, which is why we urge you to join your colleague Representative Brenda L. Lawrence (D-MI 14th) in sponsoring an amendment to H.R. 417 to stabilize funding for the Drinking Water State Revolving Fund (DWSRF), while streamlining the accessibility and understandability of consumer confidence reports¹. As you know, funding for the DWSRF was slashed in 2012 by 53%² and is under current scrutiny by the Trump administration to be cut further, as confirmed by Ms. Cheryl Parsons of the Environmental Protection Agency's 4th District Regional Office in an interview conducted on February 3rd, 2017. At a time when ground water conditions have worsened and cause deleterious effects on human health from pathogenic organisms and toxic chemical pollution³, Congress must work to protect our precious drinking water supply from further contamination. As H.R. 417 is being debated and the Safe Drinking Water Act is up for reauthorization, we believe the time is nigh to stabilize funding for the DWSRF as part of those larger efforts.

Unsafe and Deadly Drinking Water

According to the United States Department of Agriculture in 2008, over 70 percent of people over the age of two consume plain tap water each day⁴, and, unfortunately, the EPA told the *Guardian News* in 2016 that there are 33 cities in the U.S. with unsafe and even deadly levels of pollution in their drinking water.⁵ A 2016 Harvard study⁶ found unsafe levels of polyfluoroalkyl and perfluoroalkyl substances (PFASs) — industrial chemicals linked with cancer, hormone disruption and other health problems — in the drinking water of these 33 states, affecting six million Americans. Among these 33 cities, sir, is Bowling Green, Kentucky, which is considered

¹ <https://ofmpub.epa.gov/apex/safewater/f?p=136:102>

² <http://www.forbes.com/sites/ericagies/2012/06/28/spending-cuts-threaten-u-s-water-infrastructure/#7013c8927b14>

³ https://www.epa.gov/sites/production/files/2016-12/documents/mayor_weaver_and_director_creagh_letter_0.pdf

⁴ <https://www.cdc.gov/nchs/products/databriefs/db242.htm>

⁵ <https://www.theguardian.com/environment/2016/jun/02/lead-water-testing-cheats-chicago-boston-philadelphia>

⁶ <http://www.mnn.com/earth-matters/translating-uncle-sam/stories/how-polluted-is-us-drinking-water>

to have some of the worst drinking water conditions in the nation. In fact, data from the EPA⁷ shows that nine states – Alabama, Arkansas, Hawaii, Kentucky, Mississippi, Nevada, North Dakota, South Dakota and Tennessee – have deadly levels of lead in their drinking water supplies. While media attention is turned to cities like Flint, Michigan⁸, we feel it is vital to look at the larger picture and consider a long-term fix for all the states and cities involved.

Amending H.R. 417 to Stabilize Funding for the DWSRF Program

One such fix is to fight against further cuts to the DWSRF, a fund administered by the EPA to provide grants to states to further the goals of the Safe Drinking Water Act⁹. In Kentucky, DWSRF money is used for the planning, design, and construction of drinking water intake, treatment, and distribution infrastructure. Similarly, these funds have been used for the preparation of emergency measures for the protection of public health. In 2016, Kentucky received \$12,000,000¹⁰ for the improvements of its water system, but cities like Louisville and Bowling Green have been left behind in order to address concerns in eastern Kentucky because of the high rate of coal pollution in that area. Non-coal producing cities simply do not have the capital to fix their water supply problems, leading many families to consume contaminated water on a daily basis. Such is the case with my (Danielle's) family in Louisville. Louisville Gas and Electric recently began dumping coal ash into the surrounding rivers, resulting in high levels of arsenic in the river and ground water, thus affecting the drinking water supply for me, my family, and my neighbors. There is just not enough funding in my town for the infrastructure to be renovated, and the water quality continues to worsen. Last year, our water supply was found to have high levels of mercury and lead contaminants, increasing our risk of cancer, lead poisoning, and other negative health effects.

While the Trump administration has pledged to invest as much as \$1 trillion¹¹ on infrastructure in the coming decade, there are no specifics published as to how much of this funding, if any, will be allocated to clean water solutions. It is estimated that \$300 billion is needed to replace all lead water pipes in the country and clean up the contaminated ground water supply. We urge you to partner with Representative Lawrence to fight for the life-saving DWSRF program by amending H.R. 417 to include stabilization efforts for its funding.

H.R. 417 and Consumer Confidence Reports

While stabilizing DWSRF funding would aid in water improvement infrastructure, H.R. 417 offers another component to help the public understand the plight of safe drinking water. As you know, consumer confidence reports are required by the EPA, and community water systems deliver an annual drinking water quality report to their customers. These reports are supposed to provide clear and up-to-date information about their local drinking water, including the sourcing of the water as well as a brief summary of the water's contamination risks; however, many

⁷ <http://www.cnn.com/2016/03/24/americas-water-crisis-goes-beyond-flint-michigan.html>

⁸ <http://www.freep.com/story/news/local/michigan/flint-water-crisis/2016/03/04/flint-crisis-could-cost-us-300b-lead-pipe-overhaul-agency-warns/81316860/>

⁹ <https://www.epa.gov/drinkingwatersrf/how-drinking-water-state-revolving-fund-works>

¹⁰ <http://www.lrc.ky.gov/Statcomm/CPAB/016-22syp/2016-2022completeplan.pdf>

¹¹ <http://www.awwa.org/publications/connections/connections-story/articleid/4471/trump-115th-congress-and-the-water-sector.aspx>

Americans do not know they have access to these reports or, if they do, they do not know how to interpret them. H.R. 417 will require that these reports are easily accessible and written in a way that is comprehensible to water customers.

Support and Amend H.R. 417

Representative Yarmuth, we understand that with a new administration comes new responsibilities and challenges, but we also know you have a strong record of fighting for Kentuckians and the environment, as demonstrated by your opposition to mountaintop removal (H.R. 786). We are confident that you know how vital it is that those who are affected by unsafe water conditions are heard as well. You and Representative Lawrence will change lives with your support of H.R. 417 and the amendment to stabilize DWSRF funding. We look forward to your support and your reply to our concerns.

Respectfully,

Danielle Graves Kerrington Maddox

Berea College
101 Chestnut Street
CPO 2073
Berea, KY 40404

CARLETON COLLEGE

**A Letter in Opposition to the Defense of Dwelling and Person Act of 2017 (H.F. 238)
(known as the Stand Your Ground Bill)**

Carleton College
300 North College Street, Northfield, MN, 55057

February 6, 2017

Senator Rich Draheim
Capitol Office
95 University Avenue W.
Minnesota Senate Bldg., Room 3227
St. Paul, MN 55155

Dear Senator Draheim,

As concerned constituents of southern Minnesota, we write to you today to urge you to unequivocally oppose the proposed H.F. 238, the “Defense of Dwelling and Person Act of 2017,” otherwise known as a “Stand Your Ground” bill. Your role as a Minnesota state senator gives you unparalleled influence into the discussion of this law. If this bill passed, it would legally justify the use of deadly force anytime a person *subjectively* believed their life to be threatened, except against peace officers. The presumption of innocence would be given to the shooter, while the burden of proof for the prosecution would be with the state.

Minnesota statutes 609.06 and 609.065 currently contain a “duty to retreat” provision, requiring a person facing a threat of grave bodily harm to try to flee the dangerous situation before responding with “reasonable force.” The burden of proof is on the shooter to demonstrate objectively that they faced a true threat, attempted to retreat, and used reasonable force for the sole purpose of self-defense. This bill would remove the obligation to retreat and specifically give the presumption of innocence to the shooter, causing a major shift in our understanding of what it means to defend yourself, a completely subjective standard. Moreover, in allowing this bill to pass, we are allowing the overreach of government that the Republican party has prided itself on resisting.

Issues of government overreach, though, pale in comparison to the racial implications the “Stand Your Ground” bill has because it represents a particular threat to people of color and immigrants, who are often met with suspicion by a predominantly white Minnesota population. This law considers a subjective perception of fear, but does not consider how that fear is not subjected to rigorous legal scrutiny or put into any empirical perspective when stereotypes around race and crime are prevalent. If it were to pass, almost any shooting could be justified because the shooter “felt threatened,” even if the “threat” was simply a hoodie or a hijab. This implicit bias

against people of color or those who are not “white-passing” is well-established in the United States. “National surveys consistently show a huge racial split between the percentage of blacks and whites who support SYG laws. A 2013 Quinnipiac University national poll found that 57% of whites approve of SYG laws, compared with 57% of blacks who disapprove of the law.”¹ Considering the longstanding racial legacy of slavery, omnipresent stereotypes of people of color portrayed in mass media, socialization from ingroup versus outgroup dynamics, and continued inequities in resource distribution and economic stratification, it is no surprise that “most Americans, regardless of race, display a pro-white/anti-black bias on the Implicit Associations Test even in children as young as six years old.”²

Past “Stand Your Ground” laws have only resulted in widespread increases in violence. A report by the National Urban League and Mayors Against Illegal Guns found that “justifiable homicides increased by 53% in states with Stand Your Ground laws, while decreasing by 5% in states without these laws.”³ Supporters of “Stand Your Ground” legislation propose that having access to guns allows individuals to protect themselves if they are in danger. An individual’s right to self-defense is sufficiently protected without any form of “Stand Your Ground” law. However, a victim’s rights are undermined and attacked in states with statutory immunity from criminal prosecution and civil suits related to “Stand Your Ground” cases.⁴

Marion Hammer, a former president of the National Rifle Association (NRA) and its chief Florida lobbyist in 2005, helped draft and pass Florida’s legislation. Other states are adopting the language based on Florida’s statute, thereby directly adopting language that the NRA and other national gun-lobby forces have developed.⁵ Our policy is no longer written to keep our community members of all socioeconomic statuses and races safe. Rather, corporate motives drive legislation under the guise of “safety”, but not in pursuit of true safety for everyone.

Perhaps more importantly to you, your constituents in Northfield would not benefit from the pursuit of these policies. In fact, gun violence is especially an issue in Northfield and its surrounding areas. Just this past week, a farmer fatally shot a former Northfield High School student who “allegedly trespassed.”⁶ In mid-August of 2016, a 61-year-old woman was fatally

¹ *Deadly Injustice: Trayvon Martin, Race, and the Criminal Justice System*, edited by Devon Johnson, Patricia Warren, and Amy Farrell, 2015, 132.

² Valerie Praudie-Vaughns and David R. Williams, “Stand-Your-Ground is losing ground for racial minorities’ health” in *Social Science and Medicine* 147 (2015), 342.

http://scholar.harvard.edu/files/davidrwilliams/files/stand_your_ground.pdf

³ National Urban League “Shoot First – Stand your ground laws and their effect on the violent crime and the criminal justice system.” Every Town <https://everytownresearch.org/documents/2015/04/shoot-first.pdf>

⁴ American Bar Association report. “National Task Force on Stand Your Ground Laws – report and recommendations,” 2015 http://www.americanbar.org/content/dam/aba/images/diversity/SYG_Report_Book.pdf .

⁵ National Urban League, “Shoot First” report.

⁶ John Reinan and Paul Walsh, “Madelia grapples with shooting death of former NHS student,” *Northfield News* (Northfield, MN), February 3, 2017.

shot; the shooter was not charged.⁷ Less drastic, in early November, a woman fired a gun to scare teen pranksters, showing how dangerous a Stand Your Ground law could be.⁸ With the justification of feeling threatened by the pranksters, how would her reaction have changed? To say that guns are not an issue in your district would be an ignorant statement. Moreover, your district includes two liberal arts colleges representing students from all over the country. Two of the authors of this letter in fact hail from New York and Los Angeles, two areas in which gun violence (especially between police and people of color) has not been uncommon.

Our Proposed Policy Change:

Thus, not only do we request that you veto H.F. 238 in Minnesota, but also that you support the creation of a coalition of community members, including Carleton College and St. Olaf students, aimed at both decreasing gun violence and raising awareness about the issue in our communities. In working with Mary Lewis Grow, Protect Minnesota board member, we would foster bonds both within our Northfield community and around Rice County in the hopes that we can encourage public institutions to take a stand against gun violence. It is our hope that, as a community, gun violence can be reduced because “Stand Your Ground” will not make our communities safer; it will increase coded, legally-sanctioned, racial stereotypes that will create harm.

Sincerely,

Naomi Borowsky
Victor Huerta
Matt Thibodeau
Allison Tucker

⁷ Philip Weyhe and Nick Gerhardt, “UPDATE: No charges for person involved in fatal August shooting in Northfield,” *Northfield News* (Northfield, MN), January 7, 2017.

⁸ William Morris, “Police say woman fired gun to scare teen pranksters,” *Northfield News* (Northfield, MN), November 11, 2016.

PACE UNIVERSITY

A Letter in Support of Amending the Coast Guard and Maritime Transportation Act to Protect the Hudson and Other American Rivers from the Unwarranted Expansion of Commerce in Bakken Oil

Date: February 4th, 2017

From: Rowan Lanning and Christina Thomas

The Honorable Jerrold Nadler
Manhattan Office
201 Varick Street, Suite 669
New York, NY 10014

Dear Representative Nadler,

We write to urge you to introduce legislation to amend the Coast Guard and Maritime Transportation Act to require that the establishment of anchorage grounds on the Hudson River be considered a Major Federal Action pursuant to the National Environmental Policy Act, and thereby set the precedent that the Hudson and all American rivers deserve protection from unwarranted expansion of commerce in Bakken oil.

As the controversies in the Midwest over the Bakken Shale Formation and Dakota Access Pipeline have demonstrated, concerns over this new source of oil production have become a national focus. Until recently, much of this crude oil has been stored on land, which is costly and subject to strict environmental review. With the increase in mining and refining of crude oil nationwide, more storage has become necessary to maximize production. In addition, transportation of Bakken oil has, until now, been limited to train commerce, but the results have been terrifying, with accidents, spills and fires resulting from the transport of this very volatile form of petroleum. In addition to these safety concerns, worry has mounted that inland waterways, such as the Hudson, are now being considered as sites for storage and as routes for transportation [1]. With the ban on extraction and transportation of crude oil now lifted, plans have been proposed to designate the Hudson River as the first major inland waterway for the extensive use of barges for the dual purposes of not only transportation of Bakken oil but also as floating storage facilities for Bakken oil waiting for market. However, the use of barges for these purposes allows this strategy to be implemented with minimal environmental review, even though the Hudson is a river of national ecological, aesthetic and historic significance. This sets a poor precedent for American river conservation in the future.

On June 6, 2016, the US Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM), docket number USCG-2016- 0132 [2], proposing 43 special anchorages at 10 locations on the Hudson River between Yonkers and Kingston. Many communities along the Hudson rely on the river for drinking, utilities, tourism, recreation, and more. Citizens, environmental organizations, local governments and federal and state elected officials expressed their outrage with letters, in public meetings and through print, broadcast and social media. Despite the uniform public opposition, no information was ever released or shared with the

public regarding potential impacts [3]. If the Coast Guard had been required to conduct an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA), these concerns could have been addressed, the proposal judged on its environmental merits, and the controversy that was generated could have been avoided.

The reason no environmental review was conducted prior to the publication of the ANPRM is due to a “categorical exclusion” in the Coast Guard’s NEPA regulations that allows the Coast Guard to avoid conducting an Environmental Impact Statement for anchorages such as those proposed on the Hudson [4]. Categorical exclusions are defined as a category of action or actions which do not individually or cumulatively have a significant effect on the human environment, and therefore do not warrant neither an Environmental Assessment nor an Environmental Impact Statement. However, any proposal for anchorages on the Hudson will unavoidably result in environmental impacts due to the ecological and economic significance of the river and its proximity to historic sites and scenic areas.

In 2015, because of reports of commercial vessels anchoring in undesignated areas on the Hudson River, the Coast Guard sent a Marine Safety Information Bulletin [5] to mariners. In the bulletin, the Coast Guard listed and provided visual maps of the seven legal designated anchorages available for commercial vessels, explaining that, outside of a true emergency, vessels should not be anchored outside of those designated anchorage points at risk of fines of up to \$40,000 and civil penalty. In response, the Tug and Barge Committee of the Maritime Association of the Port of New York and New Jersey sent a six-page proposal to the Coast Guard [6], arguing that it is necessary to add further designated anchorage points for navigational safety and supply chain management requirements. It also provided the locations and precise specifications for proposed anchorage points. The letter became the basis for the Coast Guard’s ANPRM, which was virtually identical to the proposal put forth by the Maritime Association. Because the proposal is excluded from environmental review under NEPA, no information on environmental impacts was included in the ANPRM.

In response to the Coast Guard’s ANPRM for the Hudson River anchorages, more than 10,212 individual citizen comments were submitted online [8], which highlights the massive public concern. A majority of these comments focus on the lack of any environmental assessments or ecological surveys for the proposed anchorages, and object to the lack of communication with the stakeholders and community groups who would be affected by the consequences of the proposal. From what little can be gleaned from the ANPRM, the proposal would benefit shipping and oil interests, while the stakeholders and communities invested in the Hudson River would bear the consequences of spills, accidents, and other ecological damage, as well as the harms to aesthetics, tourism and river recreation.

It must be said here that we do not oppose river commerce, nor the participation of the Hudson River Valley in the economic growth of the state and the nation. But without the benefit of an Environmental Impact Statement, none of the negative or positive impacts of this extraordinary proposal can be properly evaluated. The Hudson River Valley continues to mitigate the physical upheavals caused by Hurricane Sandy, [9] and the economic and environmental costs associated with cleanup and revitalization efforts -- underscoring why such disturbances, including anchorages for oil storage, are a matter of great public concern, and potential impact to the

natural and human environment. The Coast Guard has implied that it might perform a voluntary environmental analysis. However, without due evaluation of the full impacts to the Hudson River ecosystems and its communities as required by NEPA, and without the forms of citizen redress that come only with the legal requirements of NEPA, settling for even a voluntary gesture by the Coast Guard would set a pervasive negative precedent for the rest of the nation and its rivers.

Proposed Policy Change

As the senior Northeastern member on the House Transportation and Infrastructure Committee, which oversees the Coast Guard, you are the best representative to address this issue of great importance to the Hudson River and its stakeholders, of which we are included, and to set the precedent that American rivers should not become the unwarranted extension of the Bakken oil trade. Thus, we are proposing an amendment to the Coast Guard and Maritime Transportation Act to designate the anchorage proposal for the Hudson as a “major federal action,” pursuant to 40 CFR 1502.4, and thereby require the Commandant to order an Environmental Impact Statement for the anchorage proposal and assure that it complies with requirements of the National Environmental Policy Act, the oldest of the nation’s modern environmental statutes.

Thank you for your consideration of our request, Congressman Nadler. We hope we can count on your support and leadership in the urgent matter.

Sincerely,

Rowan Lanning & Christina Thomas
182 Broadway
Room 2101
New York, NY 10038

Footnotes

[1] - Javier Blas, "Oil Traders Look to Floating Storage as Onshore Tanks Fill," *Bloomberg*, February 10, 2016, [Page #], accessed February 6, 2017, <https://www.bloomberg.com/news/articles/2016-02-10/oil-traders-look-again-at-floating-storage-as-onshore-tanks-fill>.

[2] - Coast Guard, DHS, "Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY," Office of the Federal Register, last modified June 9, 2016, accessed February 5, 2017, <https://www.federalregister.gov/documents/2016/06/09/2016-13701/anchorage-grounds-hudson-river-yonkers-ny-to-kingston-ny>.

[3] - Mid-Hudson News Network, "Hudson River anchorage hearing: No Coast Guard, lots of opposition, one defense," *Daily Freeman News*, October 20, 2016, [Page #], accessed February 6, 2017, <http://www.dailyfreeman.com/general-news/20161020/hudson-river-anchorage-hearing-no-coast-guard-lots-of-opposition-one-defense>.

[4] - U.S. Government, "PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS," U.S. Government Publishing Office, accessed February 5, 2017, <http://www.ecfr.gov/cgi->

bin/retrieveECFR?gp=1&SID=1e3ff9a13b0de908cfa5be87d35cd4ec&ty=HTML&h=L&mc=true&n=pt10.2.51&r=PART.

[5] - U.S. Coast Guard, comp., *Hudson River Anchorage Grounds: Marine Safety Information Bulletin*, [Page #], accessed February 6, 2017,

<http://www.americanwaterways.com/sites/default/files/Hudson%20River%20Anchorage%20Grounds%20-%20MSIB.pdf>.

[6] - The Maritime Association of the Port of New York/New Jersey, Hudson River Anchorage Proposal, infographic, [hudsonriveranchorage.org](http://www.hudsonriveranchorage.org), accessed February 6, 2017,

<http://www.hudsonriveranchorage.org/wp-content/uploads/2016/08/USCG-2016-0132-0075.pdf>

[7] - Letter to Craig Lapiejko, September 12, 2016, accessed February 6, 2017,

<https://dutchessdemocracy.blogspot.com/2016/09/re-frack-barge-anchorage-threat-kudos.html>.

[8] - U.S. Government, "Anchorage Grounds: Hudson River, NY," [Regulations.gov](http://www.regulations.gov), accessed February 5, 2017, <https://www.regulations.gov/docket?D=USCG-2016-0132>.

[9] - Riverkeeper, "Sandy's Devastating Impact to Hudson River Includes Widespread Toxic Spills", October 30, 2012, accessed February 6, 2017, <http://www.riverkeeper.org/news-events/news/stop-polluters/pollution-enforcement/sandy-pollution-statement>

REED COLLEGE

A Letter in Support of the Safe Transfer Act (which would require post-secondary institutions to disclose sex offenses on students' transcripts)

January 25, 2017
Leilani R. Ganser and Sonya M. Morud
3203 SE Woodstock Blvd #399
Portland, OR 97202

The Honorable Earl Blumenauer
911 NE 11th Ave
Suite 200
Portland, OR 97232

Dear Representative Blumenauer,

I am writing to urge you to protect college campus rape and domestic violence victims by lending your support to the Safe Transfer Act introduced to the 114th Congress by Representative Jackie Speier. If implemented, the bill would amend the Family Educational Rights and Privacy Act of 1974 to require the disclosure of health and safety concerns to post-secondary institutions. The Safe Transfer Act requires post-secondary institutions to disclose the final results of a disciplinary proceeding conducted by the institution against a student found to be perpetrating sex offenses investigation on that student's transcript. Most schools disclose on a student's transcript whether or not that student has been found guilty of plagiarism or cheating and this bill would hold those students found to be in violation of existing Title IX protections to be held to the same disciplinary standards.

This bill is especially important to this team because one of the authors of this letter was the victim of repeated sexual assault and relationship abuse throughout the course of her freshman year. During the orientation week of the victim's first year of school she was subjected to sexual intercourse without her own consent and a pattern of repeated unwanted sexual contact and other forms of dating violence throughout the school year. It is unclear whether or not the existence of an ongoing Title IX investigation will be disclosed to any post-secondary institutions the perpetrator could apply to.

The bill is an extension of current Clery Act reporting procedures. The Clery Act requires all post-secondary institutions to record and disclose information about violent crimes on campus in order to receive federal funding. The law was named for Jeanne Clery, a student who was raped and murdered inside her residence hall at Lehigh University when she was 19. Her attack was just one of 38 violent crimes that occurred at the university over three years. Clery's parents argued that had the university's crime record been disclosed they would have been better able to protect their daughter.¹ Extending that disclosure requirement to individual students who have been found responsible of campus policies on violent crime and harassment would create safer campuses and safer students.

Personal stories like the one presented above and the one that launched the Clery Act are disheartening but are not at all uncommon. According to the most recent available statistics provided by the National Sexual Violence Resource Center, one in 5 women and one in 16 men experience sexual assault while in

¹ "Ex-Lehigh Student Sentenced To Electric Chair for Murder," The New York Times, April 29, 1987, accessed January 29, 2017, <http://www.nytimes.com/1987/04/30/us/ex-lehigh-student-sentenced-to-electric-chair-for-murder.html>.

college.² Among college women who are sexually assaulted, nine out of 10 victims knew the person who sexually assaulted them.³ Furthermore, in a national survey of adults, 37.4% of female identifying rape victims were first raped between ages 18-24.⁴ 63.3% of men in a study of one university who self-reported acts that qualify as rape or attempted rape admitted to committing repeat rapes or attempted rapes.⁵

The campus safety threat of repeat offenders is exactly why this bill is so desperately needed. Under current law, perpetrators of violent sexual crimes are protected from the disclosure of those crimes by the Family Educational Rights and Privacy Act. Individuals who have been found responsible of on-campus sexual crimes are free to transfer from institution to institution and repeat the same violent acts.

The impact of sexual violence on a survivor is varied. Every survivor reacts to trauma differently but some responses include depression, nightmares, and flashbacks, difficulty concentrating, eating disorders, substance abuse, and post-traumatic stress disorder (PTSD). One of the authors of this letter is currently receiving treatment for PTSD as a result of her sexual assault.⁶ Sexual violence has a broader impact than just to the survivor; however, family, friends, partners, and coworkers may experience similar trauma to that of their loved one as a result of sexual violence. Communities, including schools, are affected broadly by these incidents through demoralization and fear produced by sexual crimes. According to the White House, the economic cost of a rape ranges between \$87,000 to \$240,776 when medical services, criminal justice expenses, health service fees, and lost contributions of affected individuals are considered.⁷

Prevention of campus sexual assault is important to our state, our country, and our immediate and broader community. It is undeniably important to prevent sexual violence and the authors of this letter wholeheartedly believe that support of The Safe Transfer Act, through publicity, co-sponsorship, and a positive vote, is an ideal way to combat the epidemic. We urge you to consider our voices throughout the legislative session.

Best,

Leilani R. Ganser

Sonya M. Morud

² Krebs, C. P., Lindquist, C., Warner, T., Fisher, B., & Martin, S. (2007). *The campus sexual assault (CSA) study: Final report*. Retrieved from the National Criminal Justice Reference Service: <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

³ Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The sexual victimization of college women*. Retrieved from the National Criminal Justice Reference Service: <https://www.ncjrs.gov/pdffiles1/nij/182369.pdf>

⁴ Black M. C., Basile K. C., Breiding M. J., Smith S. G., Walters M. L., Merrick M. T., ... Stevens M. R. (2011). *The National Intimate Partner and Sexual Violence Survey: 2010 summary report*. Retrieved from the Centers for Disease Control and Prevention: http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

⁵ Lisak, D., Gardinier, L., Nicksa, S. C., & Cote, A. M. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence Against Women, 16*, 1318-1334. doi:10.1177/1077801210387747

⁶ National Sexual Violence Resource Center. (2010a). *The impact of sexual violence: Fact sheet*. Retrieved from http://www.nsvrc.org/sites/default/files/Publications_NSVRC_Factsheet_Impact-of-sexual-violence_0.pdf

⁷ White House Task Force to Protect Students From Sexual Assault. (2014b). *Rape and sexual assault: A renewed call to action*. Retrieved from http://www.whitehouse.gov/sites/default/files/docs/sexual_assault_report_1-21-14.pdf

SWARTHMORE COLLEGE

A Letter in Support of Funding Online Access to College Courses for Rural Pennsylvania High School Students

Date: February 5th, 2017

From: Elizabeth Balch-Crystal and Charles Williamson

The Honorable Leanne Krueger-Braneky

Pennsylvania State Capitol

115-B East Wing

P.O. Box 202161

Harrisburg, PA 17120

Dear Representative Krueger-Braneky,

We write to you today as concerned citizens of Delaware County, asking for your sponsorship of a bill allocating state funding to enable students enrolled at rural Pennsylvania high schools to participate in online college courses for dual credit free of charge. Growing up in towns in Alabama and Arkansas, respectively, we have witnessed firsthand the limited educational opportunities that often accompany living in a rural area. Although we were fortunate enough to be able to attend Swarthmore College, we recognize that many students in rural Pennsylvania do not have as many class options and school resources as their urban and suburban counterparts, which leads to lower levels of post-secondary education enrollment.¹

Many urban and suburban school districts in Pennsylvania currently sponsor physical dual-enrollment programs, which allow students to travel to a nearby college or technical school to take courses.² These programs offer students the benefit of taking higher-level and college-gearred courses that they may not have access to otherwise. However, rural schools are not privy to this resource. Because of the inherent geographic isolation of rural districts, many schools are not close enough in proximity to college campuses to allow students to take physical classes there. This opportunity, or lack thereof, translates into quantifiable differences in college enrollment. In 2014, a study conducted by the National Center for Education Evaluation and Regional Assistance (NCEE) revealed that in Pennsylvania, only 53.1 percent of students in rural

¹ "Penn State Enrollment for High School Students." Penn State Enrollment for High School Students - Undergraduate Admissions. Accessed February 02, 2017. <http://admissions.psu.edu/apply/requirements/options>.

² "Penn State Enrollment for High School Students." Penn State Enrollment for High School Students - Undergraduate Admissions. Accessed February 02, 2017. <http://admissions.psu.edu/apply/requirements/options>.

public high schools go on to attend college, compared to 64.7 percent in non-rural areas.³ To bridge this gap, we propose introducing free online classes, sponsored by public Pennsylvania universities, in rural public high schools across the state.

We believe that giving students in rural areas college-focused educational resources will increase the number of students in these areas who choose to pursue post-secondary education, and put them on more even-footing with students attending urban and suburban public schools. To achieve this, we ask that schools classified as rural receive state-funded access to online courses in STEM fields, sponsored by the public state university geographically closest to the high school.⁴ Students would receive both high school diploma and college credit for coursework completed.

The funding of online STEM college courses in rural school districts presents significant social and economic benefits to the state of Pennsylvania that we feel warrant its implementation. First, while students may currently take online courses at many Pennsylvania state universities for an enrollment fee, many students who are unable to afford the cost of taking an online class are excluded from this opportunity.⁵ Furthermore, by awarding students college credit for coursework affiliated with public Pennsylvania universities, students would be encouraged to attend these institutions to complete their degree, and continue to achieve within the Pennsylvania public education system. Finally, for many of the students that this policy would affect, a quality education is not only a chance to explore, but a gateway to further opportunities, as both of us know quite well.

We hope you consider our proposal carefully, and we would be happy to meet with you or a member of your office to discuss it further.

Sincerely,

Elizabeth Balch-Crystal and Charles Williamson

³ Chenoweth, E., & Galliher, R. V. (2004, October 15). Factors influencing college aspirations of rural West Virginia high school students. *Journal of Research in Rural Education*, 19(2). Retrieved February 2, 2017] from <http://jrre.psu.edu/articles/19-2.pdf>

⁴ Howley, C., Johnson, J., Passa, A., & Uekawa, K. (2014). College enrollment and persistence in rural Pennsylvania schools. (REL 2015–053). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Mid-Atlantic. Retrieved from <http://ies.ed.gov/ncee/edlabs>.

⁵ "Common Core of Data (CCD) - Identification of Rural Locales." National Center for Education Statistics. Accessed February 02, 2017. https://nces.ed.gov/ccd/rural_locales.asp.

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