MU's Walker arrested for DWI at facility

By DAVE MATTER

Bruce Walker, Missouri's co-offensive line coach, was arrested by University of Missouri Police late Monday night outside the team facility, MU Police Capt. Brian Weimer said.

Walker, 50, was sitting in his parked truck with the engine running outside the Mizzou Athletic Training Complex when officers arrived at 11:14 p.m. Walker and other MU coaches and their wives had returned from a trip to the Lake of the Ozarks when police were called to check on people "potentially drinking in the parking lot," Weimer said.

Officers interviewed Walker briefly then issued a field sobriety test, leading to Walker's arrest.

According to the state's DWI laws, operation of a motor vehicle does not require that the vehicle be in motion, only that the driver turns on the vehicle.

Local attorney Bogdan Susan said he would submit an entry of appearance yesterday on Walker's behalf and appeal the 30-day mandatory suspension of Walker's driver's license. Conviction of a first DWI is a Class B misdemeanor.

"Hopefully, the facts will come out and we'll achieve some resolution to this matter," Susan said. "I understand the police have a job to do and we want them to finish their investigation, so I'll reserve comment until the investigation is complete and all the facts are in."

Walker had not been formally charged as of this morning. The city prosecutor's office said it generally takes 10-14 days for a charge to be processed.

Team spokesman Chad Moller said Athletic Director Mike Alden and football Coach Gary Pinkel addressed Walker's situation yesterday and took disciplinary action, though terms of Walker's punishment will not be discussed publicly. Walker will coach practices during preseason camp.
Pinkel and his coaches had returned from the lake on a rented bus and were unloading coolers when police arrived. One MU athletic department source said a taxi had arrived at the facility to drive Walker home.

Weimer said he was unaware of the police report mentioning a taxi at the scene.

"I have no idea about that," he said.

Walker, an assistant coach under Pinkel since 1996 at Toledo, was MU’s tight ends coach from 2001-08 then became co-offensive line coach last season.

**TIGERS TICKETED:** Missouri defensive tackle Dominique Hamilton, 21, and safety Jarrell Harrison, 23, were cited for first-degree trespassing early yesterday morning, Columbia police spokesperson Jessie Haden said.

Security at Brookside Townhomes called police at 1:50 a.m. when the two players, along with three female MU students, entered the complex’s swimming pool long after the pool area had been closed and locked for the night. All five were ticketed and released on their promise to appear in court.

This is Harrison’s second brush with the law this summer. In June he was arrested for misdemeanor shoplifting at Columbia Mall.

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Republicans trumpet Proposition C vote as Democrats seek to minimize it

BY BILL LAMBRECHT • blambrecht@post-dispatch.com | Posted: Thursday, August 5, 2010 12:20 am

WASHINGTON • Missouri's vote Tuesday against a core feature of the nation's new health care law further emboldened GOP critics while reminding Democrats of the perils of pursuing change that doesn't enjoy broad public support.

With the requirement to buy health insurance not taking effect until 2014, the wrangling in the judiciary has years to play out. But the politics surrounding the insurance law accelerated swiftly after the vote.

Republicans trumpeted Missouri's passage of a ballot proposition aiming to nullify the provision of the new health care law requiring that all Americans purchase insurance. GOP leaders in Washington pointed to the Proposition C's passage with 71 percent of the vote as a further repudiation of the new health insurance law and a signal of their impending good fortunes in November.

The measure won a majority of voters in every county in the state except for Kansas City and St. Louis city, according to the Missouri secretary of state's office.

Supporters of the sweeping new health care law sought to minimize the impact, noting that the proposal was destined to pass overwhelmingly given popular GOP primary contests in Missouri and the heavy Republican turnout.

White House spokesman Robert Gibbs called Proposition C a "vote of no legal significance in the midst of heavy Republican primaries."

Sen. John Cornyn, R-Tex., chairman of the National Republican Senatorial Committee, criticized Gibbs' assertion that the Missouri vote told him "nothing."

"This sheer arrogance and political tone deafness from the Obama White House is simply astounding. Their disregard for the votes that were cast by 667,000 Missourians as 'nothing' is startling ..." Cornyn said in a statement.
The ballot measure now awaits an expected court test, along with challenges by elements in 20 states of various parts of the new law. At least two other states — Arizona and Oklahoma — have measures similar to Missouri's on their November ballots.

Some legal scholars contend that state efforts such as Proposition C stand little chance of success because the Constitution gives Congress the power to regulate commerce.

Nonetheless, a lawsuit brought by Virginia's Republican attorney general challenging the insurance mandate survived an initial court test on Monday when a federal judge rejected arguments by the administration of President Barack Obama that Virginia had no standing to challenge the law.

Richard Reuben, a law professor at the University of Missouri-Columbia, said he would anticipate a challenge to Proposition C originating in Missouri. Reuben said he saw a conflict between Missouri's ballot initiative and the Constitution.

He added: "But when it gets to the courts, which it will, there's a question of how they will react. Liberal courts will treat it one way and conservative courts will treat it another way. So when it gets up to the Supreme Court, if it makes it that far, I think all bets are off."

Rob Jesmer, executive director of the National Republican Senatorial Committee, distributed a memo Tuesday referring to Missouri and contending that "there's no doubt that his (Obama's) health care bill will be among the key issues voters weigh this November."

GOP candidates from Washington to Jefferson City seized on the Proposition C vote as an affirmation of their protracted campaign against the new insurance law and a signal that their anti-big government theme pays dividends.

Campaigning in Jefferson City, Rep. Roy Blunt, who won Missouri's GOP nomination for the Senate on Tuesday, asked: "Can you imagine a louder voice at the ballot box than Missourians shouted out yesterday when they said, 'No, we don't want to be part of this government-controlled health care bill?'"

Missouri Sen. Claire McCaskill's reaction to the vote illustrated the muted response by Democrats.

"Sen. McCaskill understands the distrust that Missourians have of their government. She is going to keep working to inform Missourians of the benefits of the law, and she will work to make changes if they don't work," a spokeswoman for McCaskill said.

Senate Majority Leader Harry Reid, D-Nev., noted Missouri's modest turnout, which was 23 percent. "It's very obvious that people have a lack of understanding of our health care reform bill," he said.

Health care advocacy groups characterized Missouri's sentiments on Proposition C as "political theater" rather than an expression by voters destined to have impact. They said they hoped it
didn't distract the state from applying for grants, setting up a new insurance exchange and otherwise preparing for the law's staggered provisions to take effect.

Kathleen Stoll, director of health policy at Families USA, a Washington-based advocacy group, said that the outcome of Proposition C was determined "predominately by voters who were interested in weighing in on the Republican primary. I don't think that this is a true reflection of the public's understanding of what's in the new law."

Polls have showed the new health care law remains unpopular with many Americans, sometimes most. But of all its provisions, voters remain most suspicious of the requirement that they buy insurance or pay a fine.

When the Kaiser Family Foundation conducted one of its periodic polls this summer, 65 percent viewed the individual mandate unfavorably — the most negative response of a series of questions asked about the new law.

Molly Ann Brodie, Kaiser's director of public opinion and research, said of the Missouri vote: "It's important to recognize that there's a lot of division and dissatisfaction in the country right now and that people who are against what is going on in Washington are going to be against the health care law."

Brad Coker, managing director of Mason-Dixon Polling & Research, said that the Proposition C vote reflected the unpopularity of Obama and White House policies in Missouri that showed up in his poll last month for the Post-Dispatch.

He observed that Democrats were having a difficult time defending the insurance law, much as Obama had a hard time selling it.

"It's kind of hard to champion something that remains very mysterious to people," he said.

Virginia Young of the Post-Dispatch contributed to this report.
Missouri Voters Reject Federal Health Mandate

by Marshall Griffin

Missouri's primary voters on Tuesday rejected a federal mandate requiring people to have health insurance. But are they free to opt out? Marshall Griffin of St. Louis Public Radio reports on what it means.

MELISSA BLOCK, host:

Voters in Missouri are the first in the nation to get a say on the new federal health care law and they said, no, thank you.

During party primaries yesterday, they voted overwhelmingly in favor of Proposition C, a measure designed to block the state's participation in the landmark health care law that President Obama signed earlier this year.

Marshall Griffin from St. Louis Public Radio reports.

MARSHALL GRIFFIN: Proposition C, simply put, forbids the federal government from requiring citizens to have health insurance or from penalizing them if they don't. It passed with 71 percent of the vote. The proposition opposing what Republicans call Obamacare was crafted by GOP State Senator Jane Cunningham from St. Louis County.

State Senator JANE CUNNINGHAM (Republican, Missouri): It is unprecedented in the United States of America for a government to say just because you live in this land and you breathe in this land, you will buy a product, any product, with your own money against your will. That has never before happened in America.

GRIFFIN: Missouri lawmakers this year considered several bills addressing federal legislation in Washington, including one that opposed cap and trade, but the only national issue to make it onto the ballot was health care. Most of the 939,000 primary voters opposed the key provision. They include Shannon Casmire(ph) of Jefferson City.

Mr. SHANNON CASMIRE: I do not believe that our federal government needs to mandate what all of us already have in the insurance field.
Ms. LIZ BEASLEY: I just feel like the health care issue is an important issue, but there are some problems with that bill, and there needs to be some revisions. And I think that it would hurt small businesses.

Mr. JOHN DITTO: Well, I thought it was a really quasi anti-Obama issue, and I believe that it would be thrown out of court anyway because it would supersede the federal government, and so it has no meaning.

Mr. RICHARD REUBEN (James Lewis Parks Professor of Law, University of Missouri School of Law): This should be a no-brainer for the courts. Under the supremacy clause of the Constitution, a state statute that is in direct conflict with a federal statute is simply invalid.

Mr. REUBEN: Liberal judges, conservative judges can certainly view things differently, and both sides will have a lot invested in the progress of this case. So I wouldn't be at all surprised to see it get to the U.S. Supreme Court. If it does, I think all bets are off.

Marvin Overby, a political science professor at the University of Missouri-Columbia, disagrees.

Mr. MARVIN OVERBY (Frederick A. Middlebush Chair in Political Science, Department of Political Science, University of Missouri-Columbia): That number may not appear very high, but if you compare it to sort of recent primary elections in the state going back to 2008 or 2006, it's actually up a bit.

For NPR News, I'm Marshall Griffin in Jefferson City, Missouri.
Will Populist Backlash Stand Up in Court?

Andrea Stone  Senior Washington Correspondent

WASHINGTON (Aug. 4) -- Voters in Missouri show Congress what they think of a federal mandate to purchase health insurance. Lawmakers in Arizona take immigration enforcement into their own hands. And senators in Washington talk about amending the U.S. Constitution to block children born to those here illegally from automatic citizenship.

"We're looking at the greatest showdown on states' rights that we've had in a couple of generations," said Richard Reuben, a University of Missouri law professor. "This is a historic time."

Arizona conservatives sing the national anthem at a rally against illegal immigration Sunday in Phoenix.

Republicans have issued a tea party-friendly Contract From America based on "individual liberty, limited government, and economic freedom." Democrats have countered with a parody whose No. 1 priority is to repeal health insurance reform, their No. 1 achievement.

Darrell West, director of governance studies at the Brookings Institution, said the current revolt encompasses the tea party but is broader than that. He sees the prevailing public mood as the latest in a series of American populist movements. But unlike, say, the prairie populism of the 1890s that gave rise to the progressive movement, today there are more ways to express discontent, whether at the ballot box or on the Internet.

This time the growing number of lawsuits, ballot initiatives and legislation is part of a grassroots conservative movement that disapproves of the liberal political establishment in Washington. Said Eugene Volokh, a UCLA law professor and founder of The Volokh Conspiracy blog: "They are trying to have their voice heard -- to mixed results."

Indeed, despite all the *Sturm und Drang* in recent weeks, will any of the countermeasures stand up in court -- either the judicial kind or the one of public opinion? Take a look:

Health Care Reform

Missouri voters became the first to opt out of a key provision in President Barack Obama's health
care reform law, the federal mandate to purchase health insurance. Proposition C passed overwhelmingly in the first ballot test of the new law. Arizona, Florida and Oklahoma will vote on the same issue in November.

"The people of Missouri sent a clear message to the liberal establishment in Washington," said Michael Needham of the conservative group Heritage Action. "The federal government's power is not limitless. It cannot compel individuals to buy a product or service. It is time our representatives in Washington read and understood our Constitution."

Yet the requirement to buy health insurance doesn't kick in until 2014. By that time federal courts will have likely weighed in and public opinion, already warming to health reform, may be different.

"If federal courts decide it is unconstitutional, then laws like this one will be superfluous. It has no legal consequences. It's symbolic," said Simon Lazarus of the National Senior Citizens Law Center and the author of a paper outlining why the health reform law is constitutional. Noting the mostly Republican primary voters in the low-turnout election, he concluded it was "like a straw poll of Republicans."

Conservatives are divided over whether the measure will pass constitutional muster.

"It will be struck down because federal law trumps state law," said Curt Levey of the conservative Committee for Justice. He is among many legal scholars citing the Supremacy Clause as the main impediment to the Missouri ballot measure.

Randy Barnett, a conservative law professor at Georgetown University, isn't so sure. Basing his opinion on a different part of the Constitution, he said the health insurance mandate is "of questionable constitutionality," adding that "never before has the Commerce Clause been used to mandate an economic relationship with a private company."

On another front, a federal judge in Virginia this week allowed the state's challenge to the health care law to move ahead. The procedural decision leaves for another day the question of whether a new Virginia statute nullifying the federal health insurance mandate will stand. But the ruling was greeted as a victory by other states that are challenging the law's constitutionality.

The current battles aren't all that different from when New Englanders wanted to secede over trade embargoes during the War of 1812 and when Southerners used the "nullification" crisis over tariffs that led to secession and the Civil War, said John Vile, a constitutional law expert and legal historian at Middle Tennessee State University. All involved a demands for states' rights.
"Movements like today's often center around perceived economic injustices," Vile said. "The current state of the economy is undoubtedly exaggerating current anti-fed sentiments."

Until the 1930s, he noted, "it was fairly common for Supreme Court decisions to strike down national economic regulations up through the New Deal on the basis of the 10th Amendment. The Supreme Court largely abandoned this position in the 'switch in time that saved nine' decision that began the justices' deference for Congress exerting broad federal powers.

**Immigration**

A federal judge blocked the most controversial parts of Arizona's new immigration law last week and the case won't go before an appeals court until November.

While there is broad public support for Arizona's method of cracking down on illegal immigrants, "ultimately this state law will be struck down because it is pre-empted by federal law," Volokh said.

That doesn't mean, he said, that the effort will be for naught. "This is going to be a political victory for conservatives. ... The political message is, 'You in Washington, the Democrats, are out of touch. If you want to keep your job, you'd better move a little bit to the right.'"

Soon after the Arizona decision, talk about "birthright citizenship" heated up. Several Republican senators called for a review of the 14th Amendment, saying it was time to repeal or amend it in order to prohibit children born to illegal immigrants from becoming automatic citizens.

"The question is, if both parents are here illegally, should there be a reward for their illegal behavior?" asked Sen. Jon Kyl of Arizona. Sen. Lindsey Graham of South Carolina accused undocumented immigrant women of crossing the border and going to emergency rooms to "drop and leave" so their children would be automatic citizens.

Unlike the health insurance mandate, Barnett said, there is a "very strong precedent for birthright citizenship," which was added to the Constitution after the Civil War to reverse the Supreme Court's *Dred Scott decision* in 1857, which declared blacks were not citizens. In 1898, the high court ruled a child whose parents were of Chinese descent -- who at the time were permanently barred by law from becoming naturalized -- was a U.S. citizen by virtue of the 14th Amendment.

"Those who want to repeal the 14th Amendment's guarantee of equal citizenship threaten core constitutional values and ignore the reasons why the framers of the amendment enshrined birthright citizenship in the Constitution in the first place," said Elizabeth Wydra, chief counsel
of the Constitutional Accountability Center. "Never before have We the People amended our Constitution to make it less egalitarian."

Vile said this isn't the first time members of Congress have proposed narrowing the 14th Amendment. In 1920, Sen. James Phelan, a California Democrat, proposed limiting birthright citizenship to whites, blacks and Native Americans but excluding Asians.

"It is far more than a day late and a dollar short to argue that the 14th Amendment doesn't mean what it says, and I would hope that we would think very deeply indeed about repealing an amendment that itself helped to repudiate one of the greatest blights on our history," Vile said.

Amending the Constitution is difficult -- it's only been done 27 times in U.S. history. But that isn't likely to stop opponents of the current administration from trying, either on the federal level or in their state capitals.

"Many Republicans believe that too much power has gone to D.C., and they are looking for a way to roll it back," said political analyst Stuart Rothenberg. "One way, of course, is to empower -- or recognize the authority of states -- in some areas. Ultimately, the courts may have to revisit this much larger constitutional question."
COLUMBIA MISSOURIAN

MU lab finds bisphenol-A in store receipts

By Nicholas Jain
August 4, 2010 | 6:09 p.m. CDT

COLUMBIA — Would you like your receipt?

You might want to think twice about saying yes next time you're out to dinner or topping off your gas tank.

Research performed in an MU lab has found some receipts can leave bisphenol-A on your skin. BPA is an industrial chemical that has been used in plastic bottles and the plastic liners in metal food and beverage cans since the 1960s, according to the Food and Drug Administration. It is also used to coat a common type of thermal receipt that changes color when exposed to heat.

Bisphenol-A is a chemical derived from petroleum that mimics the sex hormone estrogen, MU biology professor Fred vom Saal said.

In January, the FDA shifted its stance on the safety of BPA and said it had “some concern” after lab studies showed low doses of BPA had negative health effects on laboratory animals. The administration decided to take steps to reduce human exposure to BPA after research showed BPA could have negative effects on the brain, behavior and prostate gland, especially in fetuses, infants and young children.

BPA found in store receipts

The Environmental Working Group in Washington commissioned the tests at MU's lab, which found high levels of BPA on 40 percent of receipts tested.

The group collected receipts and found “high concentrations of BPA” from businesses and services including McDonald's, KFC, Walmart and the Postal Service.
The lab did not find BPA in receipts collected from Target, Starbucks or Bank of America ATMs.

The Environmental Working Group said the lab's findings are not only cause for alarm for shoppers, but for retail workers, as well.

"A typical employee at any large retailer who runs the register could handle hundreds of the contaminated receipts in a single day at work," Jane Houlihan, EWG senior vice president for research, said in a news release.

CDC scientists measured BPA in participants of its National Health and Nutrition Examination Survey and found BPA in nearly all the participants.

Vom Saal tested the receipts in his lab at MU where he has studied BPA since 1995.

He said BPA is similar to a steroid, and steroids are often applied to humans through the skin. He said his lab hopes to determine whether BPA can be absorbed through the skin.

A Swiss study found BPA transfers to the skin when touched and can penetrate the skin too deeply to be wiped off.

"You're getting a massive amount of BPA in receipts," Vom Saal said.

He compared the BPA coating on a receipt to a piece of paper coated in talcum powder; it easily gets on skin when touched.

But he warned there is no way to tell if a receipt contains BPA just by looking at it.

BPA is released in different ways from plastics and papers, he said. As plastic ages, it gradually releases free BPA. On receipts, the BPA is "free" — that is, not bonded and easily transferable — from the start.

The Environmental Working Group said the total mass of free BPA on a receipt is 250 to 1,000 times greater than the amount found in a can of food or baby formula.

Vom Saal said recycled paper can also contain BPA if it was made with paper coated with BPA. He noted that Japanese corporations removed BPA from their paper 10 years ago.
Some companies ditching it

Appleton, the largest manufacturer of thermal paper in North America, stopped using BPA in 2006.

"After reviewing toxicology reports and available studies, we concluded that removing BPA was the responsible thing to do," said Bill Van Den Brandt, manager of corporate communications. He said the company changed the chemistry of its paper and called it a "straightforward process."

The Postal Service has purchased BPA-free paper since September 2009. Spokeswoman Valerie Hughes said the Postal Service doesn't have any paper with BPA in its central inventory but said individual post offices could still be using old paper.

Kentucky Fried Chicken has asked its suppliers to remove BPA from its products, KFC Spokesman Rick Maynard said.

McDonald's is taking a different approach. Communications supervisor Ashlee Yingling said BPA is widely used and approved for use in the U.S., so the company is continuing to use it. A news release said McDonald's will "continue to monitor" the issue. Yingling would not say if McDonald's would change the type of receipt it uses.

Government response to BPA

Governmental agencies are working to reduce the amount of BPA used and to learn more about its effects on people's health.

The Environmental Protection Agency has created a partnership to help reduce the environmental release of BPA. The first part of the program is focusing on finding safer alternatives to BPA in thermal paper.

The National Institute of Environmental Health Sciences is spending $30 million on research into the health effects with $14 million of that coming from the American Recovery and Reinvestment Act.
Ex-MU star seeks to boost bureau
McBride takes on new office.

By T.J. GREANEY

The Better Business Bureau is going deep to a former University of Missouri football star to lead its first branch office in Mid-Missouri. Adrian McBride began work this week as manager of the bureau office on Buttonwood Drive, the first satellite office in the 93-year history of the regional BBB based in St. Louis.

McBride, 47, was a star wide receiver at MU from 1982 to 1985 and played for two seasons in the NFL.

After his athletic career, he worked in recruiting and placement but said he gradually realized there was a niche not being filled: helping collegiate athletes transition from the playing field to the “real world.” In 2005, McBride and his wife, Julie, a former All-American gymnast at MU, formed “Life After Sports,” a not-for-profit designed to help athletes enter the job market.

McBride said that when he read about the BBB’s expansion to Mid-Missouri earlier this year, he thought it would be a natural fit for him. “For some reason, it was just one of these deals that made sense,” he said. “So I said, ‘I’m going to contact these people, see if they have a manager in mind.’”

They didn’t. And CEO Michelle Corey said that having someone such as McBride with such deep roots in the area and longstanding connection to the business community was a great opportunity. “I think it gives an indication that we are serious about our investment in the Columbia region,” she said. “That we care about the people and we want to make sure that they’re utilizing our services.”

McBride will be tasked, in part, with communicating to the media to warn about fraudulent or deceptive business practices. The bureau receives complaints about businesses from consumers nationwide and works to resolve the disputes. When unresolved complaints reach a critical mass, the bureau will issue a warning to the public about unethical business practices. “We’re not here to throw anybody under the bus,” McBride said. “It’s all relative, how many complaints does Charter or Mediacom get compared to Joe’s Burger Shop down the street? But if it’s excessive, we’re going to talk to them and try to resolve everything between the customer and the businesses. And if it gets bad enough, ... I’m going to expose them.”

Corey said she also hopes McBride can help the bureau do a better job of penetrating the Mid-Missouri market.

The bureau offers accreditation to businesses that agree to abide by high standards of ethics and transparency. Businesses pay an annual fee ranging from $350 to $820 for accreditation, and often these businesses advertise the accreditation prominently on their storefronts.

And yet, McBride said, of approximately 8,000 businesses in Mid-Missouri qualified to become accredited, only 250 have done so. Many local businesses, McBride said, didn’t even know the bureau
operated in their area. "No one has ever penetrated this market, and there's no real physical presence here in Mid-Missouri," he said. "That number can only go up."

McBride also will lead public events forwarding the bureau mission. He is planning a "shred day" this fall where people can shred personal documents and learn about the threat of identity theft.

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