



**ENERGY MATTERS**

# Anti-Nukes Get NYC Support



**By ABBY LUBY**

Westchesterites long seeking to close the Indian Point Nuclear Power Plant headed to New York City for a strong show of support at a rally on Thursday, August 11, 2011. Joining them were major organizations including Greenpeace USA, NYPIRG and the Center for Health, Environment and Justice. Local organizations at the rally fighting for the closure of Indian Point included Riverkeeper, Hudson River Sloop Clearwater, Westchester Citizens Awareness Network and the Indian Point Safe Energy Coalition.

About 200 people gathered at Dag Hammarskjold Plaza to hear many spokespersons including Brooklyn Congressman Jerrold Nadler, former New York Congressman John Hall, Executive Director Paul Gally of Riverkeeper, Laura Haight, Senior Environmental Associate NYPIRG (New York Public Research Group) and Marilyn Elie, Indian Point Safe Energy Coalition.

Many pointed to the devastation from nuclear plant core meltdowns in March at Japan's Fukushima plants. Riverkeeper's Paul Gally slammed the US Nuclear Regulatory Commission, the nuclear industry's federal oversight agency, for ignoring the lessons



*Paul Gally, Executive Director of Riverkeeper was at attendance.*

learned from Fukushima.

"In the wake of Fukushima, the NRC has taken no action, despite all the findings. They are a moribund agency and they need to be totally revamped. They pay no heed to Indian Point's violations of countless safety regulations. It's a text book case of what happens when a regulator gets taken over by the industry it's regulating."

Gally cited reasons to close the Buchanan-based Indian Point. "It's old, dangerous and unnecessary. Never forget those three words."

Reports of spreading radiation in Japan have fed growing fears around the world.

"I love sushi and I have been asking if the fish is from Japan. If they say it is, I won't eat it," said John Hall, after singing his new song "I Told You So," about the risks of nuclear power.



*United Puerto Rican Organization (UPROSE) youth participate in anti-nuke rally.*



*Congressman Jerrold Nadler of Brooklyn.*

Insurmountable risks of nuclear power were Congressman Nadler's key message, especially in light of the highly contested re-licensing application by Indian Point owner, Entergy.

"This is a technology that cannot exist without risk and shouldn't be used," said Nadler. "Indian Point would never be licensed today if it didn't already exist and someone proposed it. If the risk is so great to build it, why is the risk any less to re-license it?"

Entergy has applied to continue Indian Point's operation for twenty more years. The current operating licenses for the two units expire in 2013 and 2015

An impassioned Marilyn Elie of the Westchester-based Indian Point Safe Energy Coalition reached out for more support. "Those of us in Westchester cannot do this by ourselves. You're at risk and we're at risk



*Marilyn Elie of Indian Point Safe Energy Coalition speaks before anti-nuke rally in New York City.*

and we can eliminate that risk."

Elie cited the massive fish kill in the Hudson River from 2.5 billion gallons of heated water daily spewed out into the river from Indian Point's cooling system that kills one billion fish yearly. "They are killing our heritage river," she said.

A recent ruling by NY Department of Conservation denied Entergy a water permit without installing some form of closed cycle cooling that would protect the fish. The permit is required by the NRC to re-license the plants.

Introducing the speakers was NYPIRG's Laura Haight who, before commenting on the dangers of Indian Point, asked for a

moment of silence for the Japanese people suffering the affects of the disaster at Fukushima.

"Now, at the tenth anniversary of 911, we can only imagine what would have happened if the planes hit Indian Point."

Laying out the dangers of spreading radiation if the plant was either attacked or accidentally released radiation, was Dr. Shannon Gearhart of New York City chapter of the Physicians for Social Responsibility.

"Radiation stays in the ground and gets into the water for decades, as we have seen from the nuclear accident in Chernobyl in 1986. Radiation can lodge in the body causing thyroid and bone cancer. What can we do? We take the motto 'prevention is better than the cure.' Right now, we do not have a cure, but we need to prevent suffering."

Unlike most Westchester rallies, there was a refreshing show of young people, earnest in their concerns of how nuclear power could affect their future. In addition to those circulating the crowd with petitions were Nasim Lahbichi and Alyssa Syarbaini, youth organizers for UPROSE (United Puerto Rican Organization).

"Radiation does not discriminate," Syarbaini told the crowd, referring to

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fears spread by the industry that without Indian Point, more coal fired plants would have to be built near poor neighborhoods to make up for lost electricity.

"UPROSE has taught me a lot about environmental racism and the choices impacting our health and safety. Entergy tells us by shutting Indian Point down it will affect communities of color, but I strongly disagree. Having a nuclear power plant near more than 20 million residents is a gamble and at stake is our lives."

Entergy's 2007 application to renew

Indian Point's operating license spurred 15 government entities and groups to file over 154 contentions, the most seen by the NRC in its history of license renewal. The NRC has never turned down a license renewal application and although the contention battle over Indian Point's renewal is still being waged, the NRC has found Entergy's relicensing application for Indian Point, "acceptable." A Safety Evaluation Report is expected to be issued this month, a move that opens up the opportunity for "intervenor" with standing to file new or amended existing contentions.

Abby Luby is a Westchester based, freelance



John Hall performing his songs.

journalist who writes local news, about environmental issues, art, entertainment and food. Her debut novel, "Nuclear Romance" will be out

in September. visit the book's website, <http://nuclearromance.wordpress.com/>

**FINANCES**

**The Most Important Case You Never Heard Of**



By **LARRY M. ELKIN**

One Supreme Court case stands behind the Fair Labor Standards Act, the Controlled Substances Act, the Endangered Species Act and the Civil Rights Act. It's been cited in rulings involving hot-button issues such as health care reform and medical marijuana. But chances are you've never heard of it.

Despite its wide-reaching influence, hardly anyone outside of legal circles is aware of the 1942 case, **Wickard v. Filburn**. One man, Gary Marbut of Missoula, Mont., hopes to change that. If Marbut succeeds, we'll also hear about another Supreme Court case: the one that overturns Wickard.

On its surface, Wickard seems like an unlikely target for a fierce judicial battle. The case was not about criminal rights, free speech or racial equality; it was about wheat.

In 1941, Roscoe Filburn planted 23 acres of wheat, despite regulations at the

time that limited farmers to 11.1 acres of the crop. The regulations, established under the Agricultural Adjustment Act, were intended to support crop prices during the Great Depression. Congress's power under the Constitution's **Commerce Clause** to "regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes" justified the Act.

Filburn did not deny that he had

grown more wheat than his allotment, but he claimed the regulations shouldn't apply to him because his wheat was for consumption on his own farm. Since the wheat would never enter the commercial market and would cross no state lines, Filburn said, Congress had no power to regulate it.

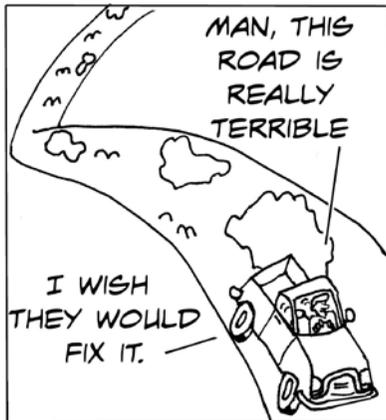
The Supreme Court disagreed. The court explained that, while Filburn's activities were not themselves commercial, in the aggregate, similar activities would have a substantial effect on interstate commerce, since they would allow farmers to avoid purchasing wheat, possibly wheat from

other states. Therefore, the court said, such activities needed to be subject to regulation for Congress to fully exercise its power over interstate commerce. Justice Robert H. Jackson wrote for the court, "Even if appellee's activity be local, and though it may not be regarded as commerce, it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce."

The ruling marked the end of the Supreme Court's opposition to President Franklin Roosevelt's New Deal and the

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