

INTERVIEW WITH ELAINE HAMMER
BY ANN BLEED

January 31, 2014

1 MS. BLEED: This is Ann Bleed. It's January 31st,
2 and I am interviewing Elaine Hammer. And Elaine, could you
3 tell me a little bit about how you first came to be involved
4 with NRD issues?

5 MS. HAMMER: Well, Ann, I think you know some of
6 this, but the first time I really became acquainted with the
7 issues, it really had to do with the League of Women Voters'
8 position on districts and at-large voting. I became very
9 aware of the disparity between the subdistricts. And it
10 wasn't that people voted by subdistricts. They didn't at
11 the end. They voted for the entire -- everybody in the
12 entire district. The issue was that in order to run, there
13 was a great disparity between the subdistricts. So, in some
14 subdistricts, they would only have 6,000 people and so you'd
15 have one out of 6,000 chance of being a candidate or in
16 other subdistricts, it'd be 10 or 12,000 people and then
17 you'd have one out of 12,000 chance of being a member of the
18 board. So, it was really the ability to become a member of
19 the board that was disparity. And so, that's why it was
20 brought to the League of Women Voters' attention, was the
21 disparity of those subdistricts.

22 MS. BLEED: So, the population in the various
23 subdistricts was very unequal.

24 MS. HAMMER: Right, exactly. Even though -- and
25 of course, as you know, but as everybody knows now, of

1 course, we didn't really win that lawsuit, mainly because
2 the Court says you have to prove that there's some action,
3 then. If this is the particular issue of the one person,
4 one vote issue, that you have to prove damages on the basis
5 of those people elected from the smaller subdistricts
6 against the people elected in the larger subdistricts. And
7 we couldn't do that. It's a mixed setup between being able
8 to run and the actual voting rights.

9 MS. BLEED: Let me back you up a minute. So, the
10 League of Women Voters then filed a lawsuit.

11 MS. HAMMER: Right.

12 MS. BLEED: And they filed it against whom?

13 MS. HAMMER: It was the Lower Platte South Natural
14 Resources District.

15 MS. BLEED: And your complaint in the lawsuit was
16 what?

17 MS. HAMMER: That the subdistricts were not
18 essentially -- and I guess that's a -- not essentially
19 divided -- the subdistrict was not -- I mean, the district
20 was not divided into essentially equal subdistricts for --

21 MS. BLEED: Equal subdistricts?

22 MS. HAMMER: Subdistricts.

23 MS. BLEED: Based on population.

24 MS. HAMMER: Based on population, in order to be a
25 candidate for that board, so that some districts, like, were

1 6,000 and some were almost 20,000. And so, the right to run
2 was very unequal. Now, the vote was an at-large vote at
3 that time. So, the only way they got around this was to
4 make the entire district an at-large position so you would
5 vote on 11 different candidates sometimes, from 11 different
6 subdistricts.

7 MS. BLEED: So, it's still one person, one vote,
8 because it was at large.

9 MS. HAMMER: Right. But it was not one person,
10 one vote in terms of the right to be a delegate -- or a
11 director on that board. You had more chance of being
12 director if you were from a small district than a large
13 district, for example. Or, I should say, a subdistrict with
14 more people in it. So, it was always a mixed case, which is
15 why numbers didn't win it. But we needed proof that there
16 were some damages caused by a vote of this particular board
17 in order to prove that it was a problem for -- you know,
18 there's one funny story, and --

19 MS. BLEED: Let me back up. When was that lawsuit
20 filed?

21 MS. HAMMER: I need to go look that up.

22 MS. BLEED: 1970-something.

23 MS. HAMMER: Back in the '70s.

24 MS. BLEED: And wasn't there also some issues of
25 before the U.S. Supreme Court involving voter registrations

1 and elections in the south, et cetera, at the same time?

2 MS. HAMMER: Oh, all kinds of cases, but there was
3 one similar to this, which had to do with the district
4 versus the at-large combination of people voting --
5 nominating by district and then voting at-large about the
6 same time. And the Supreme Court basically said the same
7 thing. You have to prove damages against the subdistricts
8 that have represented us from the smaller (to the larger).

9 MS. BLEED: And didn't that decision come down --

10 MS. HAMMER: Very close.

11 MS. BLEED: Between the time we filed and the
12 decision.

13 MS. HAMMER: Yeah, it did, which is really --

14 MS. BLEED: So, it impacted our lawsuit.

15 MS. HAMMER: One of the interesting stories, I'll
16 never forget, after I got on the board and --

17 MS. BLEED: Of League of Women Voters or --

18 MS. HAMMER: No, on the board of the NRD later on.
19 Our -- the attorney for the NRD was former Governor Bob --
20 Robert Crosby, Bob Crosby. And after I had been on the
21 board, oh, six months or so, I wish I could remember the
22 exact issue, but I walked out to the little area where we
23 have coffee, and he followed me out there. And he said to
24 me, "Elaine, this was a one person, one vote issue." And
25 that was after the whole issue had been changed because we

1 were then elected by subdistrict and voted on by
2 subdivision, we were elected by subdistrict and voted on by
3 subdistrict. And when he said that, I just kind of said,
4 you know, "Okay," and I knew it was -- underneath he was
5 saying, "You were right on this issue." So, I never felt as
6 though, even though the people that were still there as
7 management and so forth are still there that were there
8 then, they knew that the issue was much better to have them
9 elected and nominated by subdistrict. So, it's been kind of
10 a closed issue ever since.

11 MS. BLEED: So, right now, for the Lower Platte
12 South, the votes run by subdistrict and then the people who
13 elect them are from the same subdistrict.

14 MS. HAMMER: That's right. It really was
15 ridiculous before, because people would not have any idea
16 who lived in subdistricts. I mean, there would be 11
17 subdistricts for people to vote on. And that's kind of a
18 rather ridiculous setup, so I know we'll never go back to
19 that.

20 MS. BLEED: Although, there's some districts that
21 still do that.

22 MS. HAMMER: Some of the other NRDs do?

23 MS. BLEED: Yeah, I think the Middle Republican
24 still has elect- -- they're nominated by subdistrict, but
25 elected as a whole.

1 MS. HAMMER: Oh, really. Oh, I didn't realize
2 that.

3 MS. BLEED: Wait a minute, is that right? No, I
4 think it's by the whole district they're --

5 MS. HAMMER: Both nominated and --

6 MS. BLEED: And elected.

7 MS. HAMMER: Yeah, well, that would still -- well,
8 then it would depend --

9 MS. BLEED: It's still one person, one vote, but
10 you end up not --

11 MS. HAMMER: They still have -- do they have to
12 have subdistricts from where they run?

13 MS. BLEED: I don't think so.

14 MS. HAMMER: Well, then they could choose three
15 people from the same small town.

16 MS. BLEED: That's right, yep. I think that's how
17 it is, anyway.

18 MS. HAMMER: It's very interesting, yeah. But the
19 law did -- the law, from the very beginning had the option
20 of being nominated and elected from a subdistrict, so there
21 didn't have to be any legal changes. It was just -- and the
22 board just decided that was the way to go. So, that
23 happened before I was elected.

24 MS. BLEED: When you filed the lawsuit, though,
25 did the -- had the League talked to the NRD about this and

1 had they decided they didn't want to change or what?

2 MS. HAMMER: Oh, I don't know that we did, Ann.
3 And I don't think they would have changed. I don't think
4 they would have changed unless it became just proven to them
5 that it was better. I don't think they ever discussed it.
6 But, you know what? You know, the person that knows that is
7 really Dave Landis.

8 MS. BLEED: Uh-huh. Yeah, I'm going to be talking
9 to him.

10 MS. HAMMER: He probably could tell you an answer,
11 because he remembers, because he was on the board. He was
12 on the board at the time of this lawsuit. He was the only
13 one on the board that voted in our direction.

14 MS. BLEED: I did not know that.

15 MS. HAMMER: So, in fact, that would be a good
16 question for you to ask, because I do think there was an
17 opportunity to change before the lawsuit, but David may know
18 that. And I know Glen (Johnson) would. In my mind, David
19 may have been the only one, but that's an interesting -- but
20 a long time ago. We don't have to bring it up again.

21 (Laughter.)

22 MS. BLEED: Unless you're doing a history project.

23 MS. HAMMER: Right, right.

24 MS. BLEED: So, when did you get on the Lower
25 Platte South board?

1 MS. HAMMER: I'm going to have to look that up. I
2 should do that.

3 MS. BLEED: You want to stop right now?

4 MS. HAMMER: If you want to stop, I can look for
5 it. Honestly, people asked me that all weekend.

6 MS. BLEED: Okay, so you're saying you think you
7 ran for the board in 1994?

8 MS. HAMMER: I know I ran in 1994 was the first
9 time. And I had already been a member of the Planning
10 Commission, as well as the League of Women Voters. So, yes,
11 it was in '94. So, this will -- by the end of '14 will be
12 20 years. That's kind of --

13 MS. BLEED: Yeah, that's neat.

14 MS. HAMMER: Plenty long. Yeah.

15 MS. BLEED: So, how has the board and the board
16 activities changed over those 20 years that you've been on
17 the board?

18 MS. HAMMER: Well, I don't know that they've
19 changed a great deal, actually. It's interesting these
20 last -- certainly the last two terms have been much less
21 controversial. There for a while, it seemed between trails
22 and dams, we had some real controversial projects. And
23 whether we like it or not, the NRD is kind of involved in
24 projects a lot. And that seems to be what gets people's
25 attention. Even the Antelope Valley Project, we had quite a

1 bit of controversy and very close votes, because there were
2 two or three people at that time who were very much opposed
3 to that project.

4 MS. BLEED: And that's the big conduit through --

5 MS. HAMMER: Through Lincoln.

6 MS. BLEED: -- downtown Lincoln that combines the
7 road and the --

8 MS. HAMMER: Community and the flood project.

9 MS. BLEED: -- flood project.

10 MS. HAMMER: Well, and the Antelope Creek Project.

11 MS. BLEED: Right.

12 MS. HAMMER: And there was some -- a couple of our
13 votes were very close, so that, to me, was a huge victory.
14 Before that, we'd had a couple of the trail projects I did
15 not vote on. I was not on the board with the first project.
16 I was not on the board when the MoPac was -- they agreed to
17 buy the MoPac -- or not buy it, but accept the MoPac as it
18 was given to them. I was on the board when we accepted the
19 Valparaiso-Brainard (project).

20 MS. BLEED: And when the NRD accepts the trail,
21 they agree to do the maintenance on that trail?

22 MS. HAMMER: Right. In our case, they did, yes.
23 There is a case now where they don't agree to do it, and it
24 may end up being that way, but, yes, basically, they own the
25 trail. As you know, in Nebraska, there just seems to be no

1 other governmental body that really kind of has jurisdiction
2 over a large enough area to make a rural trail that
3 exciting. Now the Cowboy's, under Game and Parks
4 Commission, but it was given to them. And they're not
5 really as well organized or set up for a project like that.
6 And actually, the Cowboy's in my mind -- it's a great trail,
7 but it's pretty far away from a lot of people. So, the
8 trail, like, between what eventually will be between Lincoln
9 and Omaha is, to me, a much greater project. And there just
10 seems to be no other governmental body in Nebraska that can
11 do that kind of project. So, it's fallen to the NRD. So,
12 the land was given to them and then they -- it basically
13 belongs to the governments after that. That doesn't
14 mean -- I mean, it means we have to raise a lot of
15 (indiscernible). The private sector has to raise a lot of
16 money to support and match, and so forth, other grants.

17 But the NRDs, it's very interesting, because no
18 other state has NRDs, but they seem to be the only districts
19 in Nebraska that can take on that kind of a project.

20 MS. BLEED: And then, the dams, if I'm remembering
21 correctly, a lot of those dams were in the --

22 MS. HAMMER: Stevens Creek.

23 MS. BLEED: -- Stevens Creek Watershed, which is a
24 watershed outside the city of Lincoln.

25 MS. HAMMER: Right, between here and Weeping

1 Water, Elmwood, Plattsmouth.

2 MS. BLEED: But a lot of those dams would have
3 been built, in part, anyway, to protect the city of Lincoln,
4 is that correct?

5 MS. HAMMER: Well, not so much the city of
6 Lincoln, really.

7 MS. BLEED: Really? Okay.

8 MS. HAMMER: No, more that the area, like, the dam
9 in Elmwood would have been to keep the Weeping Water Creek
10 from overflowing. There was a big issue with it. And that
11 even protects Plattsmouth on downstream. So, actually, the
12 water pretty much runs east. Some people have said it was
13 mostly they were to build to make the area in the Stevens
14 Creek buildable for Lincoln to expand in that area. And
15 there may be some truth to that. And there -- to be honest,
16 the Stevens Creek planning process, it happened before I
17 went on the board and there were some things involved in
18 that which weren't as good as they are now. I mean, for
19 example I don't think there was as much openness. There
20 wasn't -- until the advisory committee, and I think you may
21 have been on that and some other things, they kind of were
22 going ahead without getting a lot of support from the
23 residents. And that kind of stopped some of that project.

24 MS. BLEED: I remember the League of Women Voters,
25 particularly, was opposing that process.

1 MS. HAMMER: Yeah, it wasn't as open as it is now.
2 But the Weeping Water Dam project, which is the most
3 controversial one I got involved in earlier and it -- the
4 thing that bothers me most about the fact that it failed --
5 and it failed not because of the NRD vote, and I can tell
6 you that, but it failed because people in Cass County are
7 just not comfortable thinking that people from Lincoln or
8 Omaha may come there and use those recreational facilities.
9 They just weren't ready for it. The reason it failed was
10 not that the NRD didn't vote for it, but the fact is that a
11 couple of road changes that had to be made, the county board
12 said no. And they would not allow it to be built. So, it
13 was ultimately defeated by the Cass County Board and their
14 position on roads. So, they had to give up on that dam.
15 They built several others in the area, all of which are
16 private, none of which can be used by the public for fishing
17 or anything else, to protect, basically, Cass County. The
18 NRD has spent thousands of dollars to prevent flooding in
19 that area, but they were not going to allow any kind of
20 public recreation, and so they wouldn't allow the dam to be
21 built near Elmwood, and that's an interesting story. It
22 really is, because when you think about it, Cass County is
23 in such an opportune place to provide recreation to people
24 from Omaha and Lincoln. But they -- of course, that was,
25 what, 15-16 years ago now when that was defeated, but there

1 were groups that were so strong. They are part of the
2 reason that at that time that there were some members of the
3 board that were elected or defeated just based on the
4 Weeping Water Dam issue.

5 MS. BLEED: Interesting.

6 MS. HAMMER: It was a very serious issue. But
7 they didn't want those people from Lincoln and Omaha coming,
8 and to Cass County, of course, they're getting more
9 populated and I think a bit of -- there is some change
10 coming there and will come as they realize the opportunities
11 they have, particularly to make money, if you want to say it
12 that way, on people that are spending money on recreational
13 facilities.

14 MS. BLEED: And, of course, in this same time,
15 they have less of a flood plain problem, but do they have
16 any still? I assume they have some.

17 MS. HAMMER: They have some. I think Plattsmouth
18 still has a little bit of a problem, but I don't think it's
19 as bad.

20 MS. BLEED: It's as bad?

21 MS. HAMMER: No, they really do. You know, one of
22 the members on our board, and I won't use the name in this
23 one, but his mother died in a flood there in Cass County.
24 That's one of the reasons he's always been involved in the
25 NRD. It was a very real issue in Cass County. And so, a

1 lot of those dams -- and I don't know, what are there, 11 or
2 12 that we built to, in fact, control that water. And not
3 one of them is public. Not one.

4 MS. BLEED: Interesting.

5 MS. HAMMER: They've put a lot of money into
6 private facilities to prevent that. So, yeah, it's an
7 interesting phenomenon. Of course, when the NRDs came out,
8 for example, in Lincoln, the Salt Valley Creek Watershed--
9 what was it called, the Salt Creek Watershed?

10 MS. BLEED: Uh-huh.

11 MS. HAMMER: They were the ones that built some
12 facilities to stop some of the flooding into Lincoln.
13 Otherwise, we wouldn't even be here. Belmont was cleared
14 out for -- because of getting downtown.

15 MS. BLEED: And that was before the NRDs were
16 formed.

17 MS. HAMMER: Yeah, that's when the Salt Creek
18 Watershed was formed, (it) was to take care of some of those
19 problems. So, of course, they were part of the districts
20 that went into the NRD. So, it's an interesting -- they've
21 come out of a lot of flooding issues, so the Antelope Valley
22 Project certainly is one that they could and should have
23 taken the lead on, and I think it was great. And they're
24 involved now and --

25 MS. BLEED: That the NRD took the lead?

1 MS. HAMMER: Yeah.

2 MS. BLEED: Well, that has been a tremendous
3 project with the NRD and the City and the University.

4 MS. HAMMER: Oh, yeah. It was really -- and I'm
5 really happy to have been a part of that.

6 MS. BLEED: Yeah, you should be. That was a huge
7 project.

8 MS. HAMMER: I can remember when we had a couple
9 people that were very staunch that were on the board at the
10 time, and I can remember those meetings that were very
11 controversial. And actually, I was on that -- actually, I
12 was chair of that subcommittee that did the Antelope Valley,
13 and so, we felt it very strongly, but we made it. We won
14 our case, so it was good.

15 MS. BLEED: Well, it certainly turned out to be --

16 MS. HAMMER: A good project.

17 MS. BLEED: A good project and I think the city
18 will continue to learn just how good it is.

19 MS. HAMMER: Yep, a lot of area that won't flood.
20 And then, the University, of course, gains a lot of land,
21 too.

22 MS. BLEED: Right.

23 MS. HAMMER: And those areas are now being
24 redeveloped, and that's the part of the community part of it
25 that really made it special.

1 MS. BLEED: Yeah. Anything else you think should
2 be said on such a project as this about the NRD and its
3 history?

4 MS. HAMMER: Gosh, I hadn't given it too much
5 thought. No, the NRDs do have a -- they have a lot more
6 influence in things, like, some of the -- even the tree
7 planting projects. And, of course, one of the projects
8 which they've just been working more behind the scenes than
9 taking the lead, although, they take the lead a little bit
10 in some ways, but your whole saline wetlands -- this is a
11 kind of a weird comment to make, but I think because they
12 are not as known by the public, they have almost been able
13 to do some things which, if, say, it had come before the
14 City Council and we were out to buy 25 or 20 acres of land
15 to protect for the saline wetlands, I think there might have
16 been more opposition. But the NRDs have been able to just
17 do it, almost, because their boards are behind it. There
18 isn't quite as much -- what do I want to say, controversy.
19 And certainly, some of the pieces of land that they've put
20 together and that they are currently doing are going to
21 benefit some of those strange areas like protecting the
22 beetle that Salt --

23 MS. BLEED: The Salt Creek tiger beetle?

24 MS. HAMMER: Tiger beetle and some things like
25 that that most people would never really know or even

1 support. So, there's some very long-lasting, I think, kinds
2 of gifts that the NRD will leave, and certainly, our
3 manager, who's been our manager ever since I've been on the
4 board, Glen Johnson, have been part of. And as you know,
5 Glen Johnson was, frankly, the person who dreamed up the
6 idea about the Antelope Valley Project. Of course, with
7 some others in this community, was able to get that done,
8 but Glen has been very strong. And he certainly has been a
9 real supporter of the trail projects. Without Glen's
10 strength and his ability to get information and data and
11 figure things out, most of those projects never would have
12 happened. I mean, I suppose there could have been another
13 manager in there that was as strong, but Glen has been a
14 very strong manager to do that.

15 MS. BLEED: He was also very involved in the
16 erosion control laws for the City of Lincoln, was he not?

17 MS. HAMMER: Yes. Yes, he is, erosion control,
18 storm water issues, which now, of course, are behind -- will
19 be coming back to us, a number of those kinds of things.
20 Glen really has done a good job. And, of course, now with
21 the whole emphasis on water and irrigation and wells and all
22 that kind of thing, you know, the whole board is strong, but
23 there's more of a staff, I think, to help Glen on some of
24 those than there used to be. So, yeah, Glen's leadership
25 has been --

1 MS. BLEED: Exceptional.

2 MS. HAMMER: Yeah, very exceptional, there's no
3 doubt about it, because he gets the data. He tends to kind
4 of know how to plan ahead, and very project oriented. Once
5 in a while he'll get a little defensive, but that's because
6 he believes in things so strongly. We all do. If we
7 believe in something, we don't really want them --

8 MS. BLEED: We don't want them to go down.

9 MS. HAMMER: That's right. So, we've had really
10 good leadership from staff as long as I've been on. And,
11 frankly, a lot of the board members, I've become very -- I
12 hate to leave them and I hate for them to leave us as we
13 lose them one by one. So, it'll be different in the next 25
14 years.

15 MS. BLEED: Yeah, it is a good working group.

16 MS. HAMMER: It is.

17 MS. BLEED: Well, on that note, unless there's
18 anything else you can think of --

19 MS. HAMMER: I don't think so. Those are the
20 kinds of the major issues that we've tackled, and I think by
21 and large, of course, as you know, I would -- hopefully, we
22 can get a trail between Lincoln and Omaha complete. That
23 will be something that a lot of groups have to work together
24 on, but if we could get some policy straightened out so
25 maybe we could get that done, it's a most difficult piece,

1 because there are no easements. There are no creeks. There
2 are no unused railroads. There are no utility easements.
3 And so, it makes that project difficult, but hopefully we'll
4 get it solved.

5 MS. BLEED: Well, thank you very much, Elaine, and
6 this will conclude the interview with Elaine Hammer.

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