

TransCanada's Not Paying This Preacher to Save Souls

He preached sermons in a Nebraska church and performed weddings and funerals, but this Baptist minister is also a professional land agent helping pave the way for the proposed Keystone XL tar sands pipeline.

by Ted Genoways @TedGenoways • April 15, 2013



Photo: Lucas Oleniuk/Toronto Star, Getty Images

Ye are the salt of the earth: but if the salt have lost his savour, wherewith shall it be salted? It is thenceforth good for nothing, but to be cast out, and to be trodden under foot of men.—Matthew 5:13

“I pastored the First Baptist Church out here in Polk for three and a half years,” Myron Stafford said. His distinct Southern drawl marked him as an outsider, but everything about him—from his salt-and-pepper temples to his jeans and Western shirt—made Stafford seem familiar to Terry Van Housen, a cattle feed yard operator in Stromsburg, Nebraska. Stromsburg isn’t far from Polk, where Stafford said he had filled in for the local minister, delivering Sunday sermons. Still, Van Housen couldn’t place him, so Stafford reminded Terry of a wedding he had performed recently, for Robbie Glasser’s son. Then he ticked off recent funerals he had presided over.

“I did three last year,” Stafford began. “I did Don’s funeral.”

“Don Hanquist?” Van Housen jumped in.

“Yeah. I did Mr. Recknor’s funeral.”

“Norman?”

“Norman, and I did Dale Lindburg.”

“Oh, my,” Van Housen said. “All those are great friends of mine.”

He paused, a little embarrassed now that Stafford’s face and name still weren’t ringing a bell. “I was there because they were all my friends. I guess I just feel so bad when I go to them, I just don’t pay attention to who’s up front there.”

“I tell folks: you don’t need to remember me, and you don’t need to remember the things I say, unless they’re from God,” Stafford said. “You can forget the rest of it. All you want to do is remember what He says to you. I can be wrong, but He can’t.”

Van Housen paused again, more confused than ever. “So when did you start with TransCanada?” he asked.

Myron Stafford may present himself to Nebraska landowners as a community minister (in fact, many in York and Polk Counties have taken to calling him simply “the preacher”), but his business cards bear the logo of TransCanada. Stafford is a professional land agent; his job is to get property owners along the planned route for TransCanada’s **Keystone XL tar sands oil pipeline** to sign easements, allowing the 1,700-mile project to cross their land. So although Stafford sat with Robbie Glasser on the First Baptist board of deacons before marrying his son and knew Norman Recknor as a trustee at the church before officiating at his funeral, he also regarded both men as potential customers, whose families own land along the proposed pipeline route—land that TransCanada needs to cross.

KXL, as it’s known, would carry heavy-grade crude extracted from Canada’s Alberta tar sands fields to refineries on the Texas Gulf Coast, much of it for shipping overseas. This week, a State Department hearing in Grand Island, less than an hour west on Interstate 80, will be the final opportunity for public comment before Secretary John Kerry—and, by extension, President Obama—render a decision on whether the project can proceed. The pipeline has become an unexpected **political lightning rod here in the Cornhusker state**, with carbon-conscious environmentalists banding together with farmers and ranchers worried about their water supply pitted against advocates who tout the prospect of “North American energy independence” and the project’s job-creating potential (never mind that actual studies show **both to be exaggerated at best**).

Stafford, a senior land agent at Universal Field Services, Inc. and a member of the **International Right of Way Association Tennessee Chapter 32**, was dispatched to Nebraska five years ago, when TransCanada first started signing up landowners along the proposed route. Property owners describe him as one of TransCanada’s two main representatives in the state. By Stafford’s own description, when he got to Polk, he headed straight to First Baptist—because, he told Van Housen, he arrived on a Sunday and it was the only church that hadn’t yet begun services. But Stafford clearly made his presence felt, because in March 2009, Robbie Glasser, head of the board of deacons, asked Stafford to fill in temporarily for Roger Burke, who was retiring. For the next three and a half years, until August 2012, Stafford served as the congregation’s regular Sunday minister—performing at least one wedding and three funerals during that time (as confirmed by local newspaper announcements where he is

described as “**Rev. Myron Stafford**”) and using his new standing in the community to sweet-talk landowners into signing deals.

I first heard about Stafford through personal contacts with local landowners (developed both through my past reporting and my wife’s consulting work with organizations opposing the pipeline) who felt “the preacher” was leveraging his standing with the church and playing on their religious beliefs in order to obtain signatures. Some told me Stafford had prayed with them or wanted to talk about their shared faith. Others said he invoked Bible verses during negotiations. Stafford, for his part, insists that the congregants of First Baptist simply embraced him and he “fell in love with them.” He told Van Housen that the bonds formed at the church had gotten him through the long years of delay on the tar sands project. “God had all this worked out,” Stafford said, “because he knew what I was going to face.”

Stafford’s story may be a singular one, but it fits into a broader pattern of land agents and corporate officials using everything from the power of prayer to threats of home demolition to get the signatures TransCanada needs in order to build the pipeline. Locals say agents have been turning up the heat as the **expected date for a decision from the State Department** approaches and numerous landowners remain holdouts. TransCanada

spokesman Shawn Howard **told the *New York Times* in 2011** that the company had already secured easements for 90 percent of the Nebraska route—but that was before the company’s original application was denied by the State Department in early 2012 and TransCanada was forced to draw up an alternate route. The company still maintains that it has **approximately 70 percent of the required signatures**, but pipeline opponents say the easements on record in county courthouses suggest that the real number is below 60 percent—and many of those landowners are now coming forward to say that they signed under duress. Little wonder then that TransCanada lobbied so vigorously for Governor Dave Heineman to grant it the power to invoke eminent domain and has threatened to use that power so aggressively.

But with the State Department public hearing approaching this week and renewed scrutiny of tar sands pipelines—sparked by a series of spills, including one earlier this month in Mayflower, Arkansas—the tactics that TransCanada has used to obtain land easements could leave the energy giant open to public criticism, with legal challenges soon to follow.

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Scott Onnen lives with his wife and four young children on a tiny farm just west of York. Onnen grew up in Omaha but moved away for work. He brought his family back to Nebraska in 2006 after falling in love with the plot of land where they now live and raise a few beans. But Onnen wasn’t looking to become a farmer; what attracted him to the property was a grove of tall trees along a creek bed.

“We’ve got owls and hawks out here, and I just think it’s beautiful,” he says. “I’m not saying it’s a national park, but York County has about 12 trees in it—and we have to keep the ones we’ve got.”

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TransCanada doesn't agree. The company wants to run KXL across the Onnen's land and take down the trees, to prevent roots from shifting and causing a pipeline rupture. After first sending a letter with a low-ball offer for felling the trees, TransCanada dispatched Stafford, together with another land agent, to make the hard sell.

When the Onnens welcomed them inside, Stafford spotted a Bible verse on the wall: *Trust the Lord with all your heart*. "He wanted to talk a little bit about that," Onnen recalls. "I'm fine with that. That's our family verse and that's who we are. But I don't necessarily start a conversation that way." Onnen told me he felt uncomfortable with Stafford referring to himself as a "preacher," when he was ordained only as a deacon (and Stafford himself said in a conversation with Van Housen that now that he is divorced, even his deacon status is unofficial). "I grew up in a Baptist Church," Onnen says, "and the deacons took care of the property and finances. When we needed a new lawnmower they would buy that. The elders would take care of the spiritual side."

Onnen says he felt uneasy about Stafford invoking the Bible (frequently referring to landowners as the "salt of the earth") at the same time he was trying to close a business deal. He had heard from two of his neighbors that Stafford had asked to share "a word of prayer" before beginning their negotiations. (One of these neighbors confirmed to me that Stafford had gone so far as attending one of his family prayer meetings. Even the other, who described himself as adamantly pro-pipeline, acknowledged that Stafford had prayed with him in his home when he was going through a difficult illness.) "My faith is an incredibly important thing to me," Onnen says, "and if I'm going to talk to you about that, then let's go talk about that. But if I'm going to buy hay, I typically don't."

When Onnen balked at Stafford's efforts to secure an easement, TransCanada sent a third land agent last year. Onnen told the new agent that he had growing reservations about the company's claims that the project would generate jobs for Nebraskans. The surveyors he had seen along county roads had Michigan license plates. The trucks with TransCanada's corporate logo on the door were all from Texas. Even the backhoe used for a survey of Onnen's property was from out of state. He told the new agent he still wouldn't sign.

Then Onnen got a call from a TransCanada vice president in Texas (whose full name Onnen and his family can't remember, although he went by "Bob.") "He played hardball with us," Onnen recalls, saying the VP told him that he could cooperate and have some say in the siting of the pipeline through his property, or he could continue to resist and face eminent domain. If TransCanada had to obtain access to his land through legal means, Onnen says the VP assured him, the company would run the pipe right through Onnen's house. Believing the threat—and not having the money to retain an attorney of his own—Onnen caved in to TransCanada's demands, accepting an offer that didn't even cover the replacement cost of his beloved trees. "We settled because we thought we didn't have any other choice," he says.

With Onnen eventually cooperating, the VP softened, assuring Onnen that he had no need to worry about a tar sands pipeline running a thousand feet from his front door. "This is not a big deal," Onnen remembers him saying. "We have pipelines going all over. There are pipelines between subdivisions. It's not like they're going to contaminate anything."

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On March 28, an ad hoc group of farmers and ranchers calling itself the **Nebraska Easement Action Team (or NEAT)** held a public meeting with the **anti-pipeline activists from Bold Nebraska** at the Kilgore Library in York, a few miles from Scott Onnen's land. While Bold Nebraska has grabbed headlines for its opposition to TransCanada, NEAT has been quietly recruiting landowners to demand a standard easement agreement for all affected Nebraskans, to make sure everyone is treated fairly and gets the same price for their property. Represented by **Brian Jorde** of the **Domina Law Group in Omaha**, NEAT has been combing county court records, contacting property owners, and offering them legal representation, whether or not they have signed up with TransCanada.

“No one else is looking out for the landowners,” Jorde said. “Not the Department of Environmental Quality, not the governor, not the attorney general's office, not the state legislature. No one in Nebraska vetted the easement contract, which is *the* controlling document for every landowner. No one in the state legislature or the attorney general's office debated the contract to get a standard easement. It was left to the landowners to fend for themselves and hope they get the right fine print in there to protect them.”

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Worse still, now that **Governor Dave Heineman has approved the project's new route**, landowners who refuse to cooperate are, in fact, facing the prospect of foreclosure through eminent domain. This power was granted to the governor by special legislation passed by the Nebraska unicameral in 2011. But Jorde—with rancher Randy Thompson, the face of Bold Nebraska, as chief plaintiff—is currently challenging the law in court.

Eminent domain exists as a way of preventing single landowners from preventing development, but the standard that most projects must meet is public good. Jorde cited Interstate 80—which crosses Nebraska, passing just south of York—as a case of private land being needed for the public good. The interstate not only makes it easier for citizens to travel, but brings goods and services for shared use. And the interstate is federally owned and maintained. But Keystone XL, Jorde argues, would be a very different kind of project: a for-profit commercial venture undertaken by a private, foreign corporation, with no benefit, and significant environmental and health risks, to the people whose land it crosses. The project presents a public threat, Jorde argues, not a public good.

NEAT members also point out that it is industry-standard for pipeline developers to obtain 90 percent cooperation from local landowners before proceeding with a project. (In its **promotional videos** and literature, TransCanada brags that it always strives for 98 percent cooperation—the number it claims to have hit for the Cushing to Port Arthur segment.) But, in collecting courthouse records, NEAT has found that TransCanada is nowhere near that. Their review of the Nebraska properties that Keystone XL would cross suggests that the number of signatures obtained thus far is actually about 60 percent—and many of the landowners who signed up in the early-going are now seeking rescission, a legal move that would nullify those contracts on the grounds that they were obtained through the kind of intimidation described by Scott Onnen, or by the kind of ingratiation practiced by Myron Stafford.

In York County, for example, NEAT records indicate that TransCanada has secured 42 signatures from the 62 landowners whose property would be crossed by the pipeline—just under 68 percent. However, I obtained the names of nine deed holders who are now seeking to have their contracts nullified. Confidentiality agreements

make it difficult to know exactly how many signed-up landowners are mounting legal challenges, but if the numbers in York County can be multiplied statewide, then the percentage of landowners who have refused to sign easements or are contesting their agreements would approach half.

If a majority of affected landowners oppose the project, that could have a significant effect on public opinion in Nebraska—and, in turn, renew the public pressure that led state lawmakers to call on President Obama to deny the permit for the original route in early 2012. Even if political movement fails to materialize, TransCanada appears concerned about a repeat of the kind of direct actions that **accompanied the construction of the southern portion of KXL across Texas**. Bold Nebraska has received word from at least one rural sheriff who was asked if his officers would be interested in off-duty work for TransCanada, protecting pipeline workers should the project receive approval. The sheriff refused.

At the March 28 library meeting in York, it was easy to see why TransCanada might fear a backlash. Farmers and ranchers stood, one by one, to introduce themselves, each repeating the same concerns. “We’ve been threatened with eminent domain twice,” said Susan Dunavan, who owns a farm near McCool Junction and is one of the plaintiffs in the lawsuit challenging the conferring of eminent domain powers in this case. “They are threatening our livelihood and our water,” she said. “It’s just wrong.”

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Most of the landowners in Polk County and York County who were courted by Myron Stafford and are now seeking rescission with the help of Brian Jorde were reluctant to speak ill of the land agent cum pastor. One property owner expressed concern that talking about Stafford could cost “the preacher” his job with TransCanada. Another said she didn’t want to criticize Stafford for being what he is.

But Stafford’s tactics troubled Terry Van Housen, which is why he decided to help make recordings of their conversations, without Stafford’s knowledge (which is **legal under Nebraska law**)—and why he has since refused to sign the paperwork provided to him, declining the latest offer for an easement across his land. After the March 28 NEAT meeting, Van Housen even signed up to talk to the national news media arriving for this week’s State Department hearing—and said he intends to testify about Stafford’s tactics. He’s tired, he says, of keeping silent about TransCanada.

“I want them to know it was me that made the recording,” he told me. “I don’t care what they do to me.”

After talking to Scott Onnen and other landowners about Stafford’s tactics, I arranged a meeting with the land agent at this office in Polk. By that point, I had heard hours of recorded conversations between Stafford and Van Housen, in which Stafford talked at length about his religious faith, avowed deep love for the people of Nebraska, and broke down in tears while describing how the strain of his work for TransCanada had led to the dissolution of his marriage.

When I confronted Stafford on Friday, I expected the same emotional man I had heard on those tapes. Instead, without batting an eye, he thanked me for my questions, gave me the phone number for TransCanada spokesman Jeff Rauh, and wished me a happy weekend. (I reached Rauh by phone, and he promised me an immediate response—but I never heard from him again.) The person I met in Myron Stafford—unfazed, unemotional, wholly professional, speaking of “corporate structure” and “appropriate chain of command”—

stood in such stark contrast to the Myron Stafford on the recordings that it was hard not to wonder whether his personal outpourings were merely a professional strategy, a persona.

Other landowners I've met through NEAT have been more cautious about speaking out against Stafford or TransCanada. One, Kevin Graves, just smiled from behind his bushy beard when I asked him about "the preacher." The proposed KXL route would pass less than 200 feet from the farmhouse that Graves's great-great grandfather built in the 1870s. He has turned down all TransCanada offers without a second thought. If Nebraska lawmakers are so convinced of the safety of the pipeline, he said, they ought to offer to have it cross their land.

Still, when it came to Stafford, Graves didn't want to speak a word against the man. He did describe another agent that he had finally asked to stay out of the hardware store that Graves owns in Polk; he didn't want anyone hanging around there, using his store to strike up conversations with locals. But that was all Graves wanted to say. When I asked again about Stafford, he just smiled. ~~would only allow that he had finally asked him to stay out of the hardware store that Graves owns in Polk; he had grown tired of Stafford hanging around there, trying to strike up conversations with landowners. But that was all Graves wanted to say. They'd had a run-in and resolved it. Beyond that, he wasn't willing to speak a word against the man.*~~

"He's the salt of the earth," Graves said—and winked.

**Correction (4/18/2013): This paragraph has been edited to reflect the fact that Graves now says he was talking about another agent, not Stafford, that he asked to stay out of his hardware store.*

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