

Supreme Court supports freedom

For all nine justices of the U.S. Supreme Court to agree on anything is rare enough. But when the topic is religion, a unanimous decision borders on the miraculous.

Well, prepare to say "amen." On May 31, the Court ruled 9-0 that the Religious Land Use and Institutionalized Persons Act does not violate the establishment clause of the First Amendment.

Although the case, *Cutter versus Wilkinson*, involves religious freedom claims made by prison inmates in Ohio, the decision by the Supreme Court addresses a much broader question: Do legislatures unconstitutionally favor religion when they pass laws, like the Religious Land Use Act, that seek to accommodate religious practice? The answer to that question affects thousands of laws protecting religion and millions of Americans of every faith.

When the Religious Land Use Act was enacted in 2000, Congress wanted to accommodate religion by preventing prison officials from imposing a substantial burden on the religious practices of inmates - unless there is a compelling reason to do so and no less-restrictive way to protect the prison's interests. Last year, the 6th U.S. Circuit Court of Appeals struck down the Religious Land Use Act as an unconstitutional violation of the establishment clause, ruling that the law unduly favors religion.

The justices of the Supreme Court unanimously disagreed. Writing for the Court, Justice Ruth Bader Ginsburg affirmed that the establishment clause "commands a separation of church and state." But separation doesn't mean ignoring religion. "Our decisions recognize" she wrote, "that 'there is room for play in the joints' between the clauses, some space for legislative action neither compelled by the Free Exercise Clause nor prohibited by the Establishment Clause."

The Court's "play in the joints" means, for example, that the free-exercise clause doesn't require the military to allow members of the armed forces to wear religious head coverings such as yarmulkes (as the Supreme Court ruled in 1986 in *Goldman versus Weinberger*). But the establishment clause doesn't prevent Congress from passing legislation that permits military personnel to wear religious headgear while in uniform (as Congress did in 1987).

In fact, many state and federal laws accommodate religion - and religion only. Ohio, the very state that challenged the Religious Land Use Act, has such laws, including one that exempts people with religious objections from certain vaccination requirements.

The previous high-water mark for legislative accommodation of religion was another unanimous decision by the Supreme Court in *Corp. of Presiding Bishop versus Amos* (1987). In that case, the Court upheld a section of the Civil Rights Act of 1964 (as amended in 1972) exempting religious organizations from the prohibition on religious discrimination in employment. This provision protects the freedom of religious organizations to hire members of their own faith.

Although the difference between permissible accommodation and establishment of religion is sometimes murky in Court decisions, the justices have drawn some general lines. It's clear from past cases that legislative accommodations may not promote religion or require government funding of religion. And all religions must be treated equally. But if the aim is to relieve religious people or organizations from substantial burdens imposed by government laws or regulations, then the accommodation is probably constitutional.

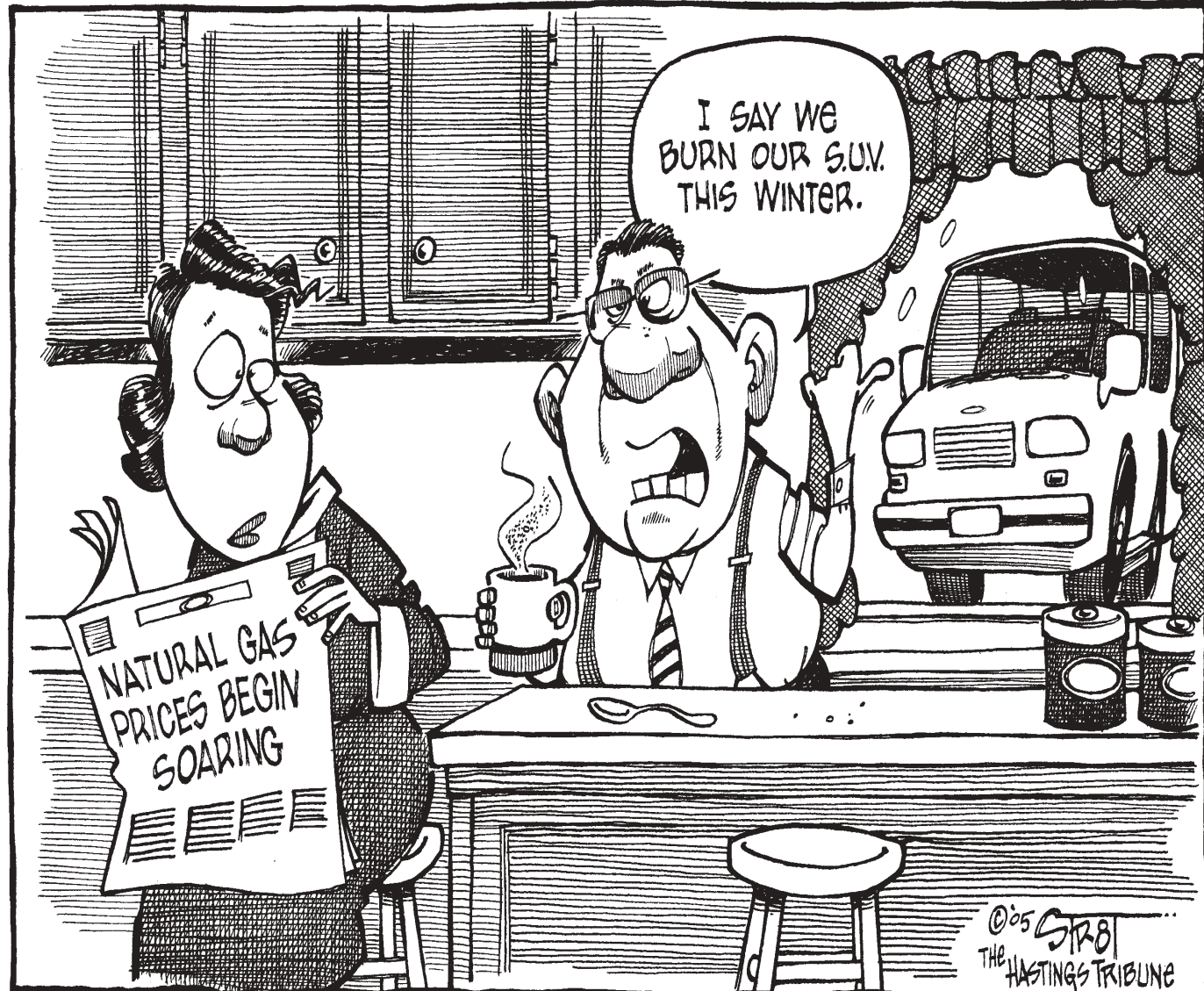
The *Cutter* decision doesn't end the debate over the Religious Land Use Act's constitutionality. The Court was silent about the whether or not Congress has the power to pass such legislation under the spending- and commerce-clause provisions of the Constitution. And the "land use" section of the Religious Land Use Act was not at issue in this case. Challenges on those fronts are already before lower courts.

But *Cutter* does signal more room for "play in the joints" between the free-exercise and establishment clauses of the First Amendment. And the likely result will be more laws - perhaps broader laws - that protect the free exercise of religion from impositions of state power.

The Supreme Court's decision in *Cutter* may not have generated much news media interest. But if you care about religious freedom, it's big news.

— Charles C. Haynes

Charles C. Haynes is senior scholar at the First Amendment Center, 1101 Wilson Blvd., Arlington, Va. 22209. Web: www.firstamendmentcenter.org. E-mail: chaynes@freedomforum.org



Summer's end puts her in the hot seat

Summer is definitely coming to an end. Patricia has returned to Manhattan.

I hope she takes a geography class this year. Somehow in her mind the shortest route was via Liberal?

Kate had to attend an in-service on Aug. 10. So, away she went. Elizabeth lives close — she also has had to report for duty. We do not have ENS (empty nest syndrome) but we do have ETS (empty tractor seat.)

So guess who gets to go to the field now? How I miss the tractor drivers.

We were discing in preparation for drilling wheat. The new (to us) tractor has a radio that actually works, but you can't hear it over the air conditioning fan.

The hubby said, "The fan has two speeds, low and high, and it squeals on high."

It has two speeds all right, squealing and off.

So, once again I had to figure out a way to entertain myself. I began reflecting on weeds I was uprooting. The field I was in had the usual — volunteer wheat, marijuana, fireweed, sunflowers and foxtail.

Now why are we trying to kill these plants? Volunteer wheat causes disease problems for the next crop; still it seems like a waste. There are still starving people in the world.

Some people would think killing the

Back Home Nancy Hagman



marijuana was also a waste. Don't worry it is not about to become extinct.

After his pickup quit running this summer the hubby started using the old 4x4 that was sitting around back. I hope this little revelation doesn't bring any law enforcement around but there was actually marijuana growing in the dust buildup in the box.

I like sunflowers; they don't smell very good even though some perfume maker has made a fortune off the name. There are some beautiful fields of sunflowers in the area. But these were just the wild things and we don't want them in the wheat. There is a time and a place for everything.

Most everyone agrees fireweed is nothing but a nuisance (Patricia is allergic to it). Still there is a woman in Garden City who has made a lot of money selling them over the Internet. One man's weed is another man's treasure.

Foxtail is a fun kind of weed. I can remember using them to tickle my siblings when I was young.

There is a sort of landscaping now in vogue using grasses. We were in Manhattan recently and I noticed these planters on the KSU campus were filled with an ornamental grass. It looked like foxtail on steroids. No, they did not forget to pull the weeds this week. It was supposed to be there. It was quite striking.

We were in Patricia's sorority house and they had foxtail (tinted sort of a blue green) in a silk arrangement. It was pretty, so why are we trying to kill it? Why don't we dig it up and sell it to greenhouses?

Unlike selling the marijuana, I think it would be legal. Farmers be prepared, if that ornamental stuff propagates like wild foxtail in a few years it's going to be as big a problem as musk thistle.

Like most things in farming it makes no sense.

We are getting less money for the stuff we actually cultivate than we were 25 years ago. And, there are still starving people in the world. Every weed we try to destroy is valued by someone or could be of use in the right circumstances.

It is a good thing it rained, the hubby thinks he fixed the air conditioning and now I can listen to the radio instead of thinking. Of course, if I was to think I would realize rain means more weeds.

This ETS is a real serious thing. Maybe I can get a grant to study it. I'd be so busy it would keep me out of the field.

LETTER TO THE EDITOR:

Norton woman objects to Sunday alcohol sales ordinance

Letter to the Editor:

Much of the time I agree with your editorials. This time I strongly disagree.

Sunday sales of liquor and beer should NOT be allowed. I want to address some statements you made in your Tuesday, Aug. 23, editorial.

First, no one is "forcing people to drive to Nebraska" to buy beer. I would hope a person over 21-years-old could plan ahead enough to buy beer or liquor on the other six days of the week or go without for one day.

Second, as to "allowing business and money to flow out of town," how many other things must we expand or allow for this reason?

Pornography? (Unfortunately, we already do have one convenience store that sells it. I, and others, choose to no longer do business there.)

"Adult" stores? How about gambling casinos? Topless dancing? Strip bars? After all, they all bring in lots of money. You may say I'm stretching here; only time will tell.

As you've stated, liquor by the drink on Sundays is allowed already, but there is a responsibility of those businesses to limit the drinks they sell so that a person is less likely to go out their door, start a vehicle and drive drunk. Otherwise they risk liability on their part. There is no such responsibility for a business selling a 6- or 12-pack to someone who then goes out to their vehicle and pops one (or two, or

others driving drunk. So do we really benefit, or are the societal and financial costs just hidden?

I'd love to see the sales of alcohol and beer in their original containers prohibited from Friday evening to Monday morning.

The National Center for Statistics and Analysis reports that "in 2003, 30 percent of all fatal crashes during the week were alcohol-related, compared to 53 percent on weekends." Fifty-three percent of fatalities! Do we really need more Sunday sales of alcohol?

The National Highway Traffic Safety Administration reports that in 2000 "the societal costs of alcohol-related crashes in Kansas averaged \$1 per drink consumed. People other than the drinking driver paid 60 cents per drink." Also, "alcohol-related crashes accounted for an estimated 17 percent of Kansas' auto insurance payments."

Figure it out. How much do you pay for

Finally, I want to thank Mrs. Mann and Mrs. Foley for voting against Ordinance No. 1549.

A formal petition calling for a special vote on Ordinance No. 1549 is being readied for signature. If you wish to sign, be sure your voter registration has your current address. If it does not, you must re-register to sign or your signature may be invalidated.

Bonnie K. Laughlin
Norton

Editors Note — Thank you for a thoughtful and responsible letter. Hopefully, it, along with our editorial, will help generate a good discussion of both Sunday sales and alcohol consumption in Norton.

WRITE:

The Norton Telegram encourages Letters to the Editor on any topic of public interest. Letters should be brief, clear and to the point. They must be signed and carry the address and phone number of the author.

We do not publish anonymous letters. We sign our opinions and expect readers to do likewise.

We do not publish form letters or letters about topics which do not pertain to our area. Thank-yous should be submitted to the Want Ad desk.

Letters will not be censored, but will be read and edited for form and style, clarity, length and legality. We will not publish attacks on private individuals or businesses which do not pertain to a public issue.

THE NORTON TELEGRAM

Office hours:
8 a.m.-5:30 p.m. Mon.-Fri.
Phone: (785) 877-3361
Fax: (785) 877-3732
E-mail: telegram@nwkansas.com

STAFF

Cynthia Haynes editor and publisher
Veronica Monier staff reporter
Dick Boyd Blue Jay sports
Carolyn Plotts society editor
Sherry Hickman circulation
Vicki Henderson computer production
Susie Marble computer production
Sonya Montgomery bookkeeping

ISSN 1063-701X
215 S. Kansas Ave., Norton, KS 67654
Published each Tuesday and Friday by Haynes Publishing Co., 215 S. Kansas Ave., Norton, Kan. 67654. Periodicals mail postage paid at Norton, Kan. 67654.

Postmaster: Send address changes to Norton Telegram, 215 S. Kansas, Norton, Kan. 67654
Official newspaper of Norton and Norton County. Member of the Kansas Press Association, National Newspaper Association, and the Nebraska Press Association

Nor'West Newspapers

Dick and Mary Beth Boyd
Publishers, 1970-2002
Incorporating the Norton County Champion
Marion R. Krehbiel, editor

