

Alito is religion friendly but how far will he go?

Predicting how Supreme Court nominee Samuel Alito will rule on religious-freedom cases is like reading tea leaves: Everyone sees the message he wants.

As the confirmation battle heats up, the leaves under close scrutiny are his opinions in nine cases involving religion decided during his 15 years on the 3rd U.S. Circuit Court of Appeals.

On the right, Jay Sekulow of the American Center for Law and Justice tells Pat Robertson in an interview on the Christian Broadcasting Network that Alito has "consistently ruled in our favor." This nomination, says Sekulow, is a "grand slam" for conservative Christians.

Meanwhile on the left, Barry Lynn of Americans United for Separation of Church and State reads the same opinions and sees disaster for the First Amendment.

"The country deserves a Supreme Court justice who will protect the rights of all Americans," says Lynn, "not kowtow to the demands of the religious right."

Partisans on both sides peer at Alito's opinions and see the same thing: If elevated to the Supreme Court, he will work to lower the wall between church and state, replacing Justice Sandra Day O'Connor's swing vote with one far more likely to mix religion and government on such issues as erecting holiday displays or funding social services provided by religious groups.

This portrayal of Alito is scary for some, exhilarating for others. But is it accurate?

A close look at what Judge Alito actually wrote suggests that he is mostly an unknown quantity.

Start with government funding of religious groups. None of the opinions are about funding issues. Where does Alito stand? We don't know.

We have a slightly better picture of how he views government-sponsored holiday displays.

In 1999 he helped uphold the constitutionality of Jersey City displays that included religious and secular symbols. Alito's decision is consistent with other Supreme Court decisions allowing such displays.

So what does Alito think about "separation of church and state" under the establishment clause?

We get our clues from his opinions in cases of religious expression by individuals and groups in public schools.

In a case in 2004 Alito upheld the order of a lower court to treat the group, Child Evangelism, like other community groups for the posting of materials and participation in back-to-school nights. In other words, the establishment clause can't be used to keep religious groups out of school.

Alito reached a similar conclusion in a 2000 case involving allegations of discrimination against religious viewpoints.

Alito wrote a dissent when the court ducked the First Amendment issue and returned the case to the lower court. A kindergarten student's poster with a religious theme had been removed by the school, which claimed that it did so in order to avoid violating the establishment clause.

But Alito disagreed, saying the establishment clause is not violated when religious speech and other speech is treated equally.

Although there is some precedent for Alito's views in past Supreme Court decisions, his strong support for "equal treatment" of religious expression under the free-speech clause could break new ground, especially in cases involving religious expression in public schools.

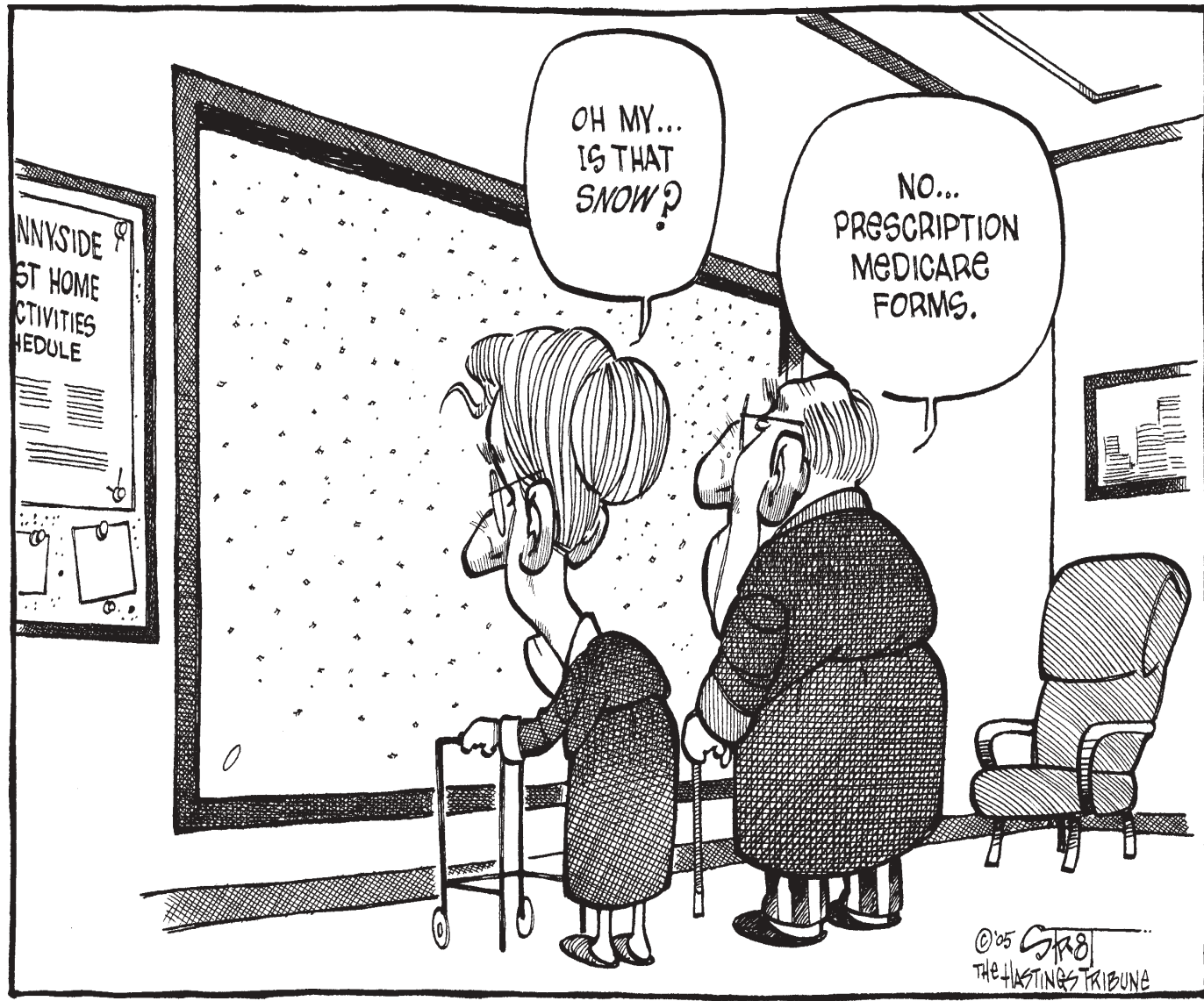
Alito also appears to take free exercise of religion seriously.

While Alito stays within the limits recent Supreme Court decisions have placed on religious-freedom claims, he clearly argues for the most expansive reading of the free-exercise clause possible under current law.

This could be good news for the many religious groups.

With all we don't know about Alito, we do know that he has consistently defended religious speech and practice under the free-speech and free-exercise clauses. If you agree that religion needs more protection, Samuel Alito may be your cup of tea.

— Charles C. Haynes, First Amendment Center



Not all hunting experiences are fun

Although we always entertained pheasant hunters and I grew up in the cowboy and Indian shoot 'em up era with a brother who had the requisite BB gun, I never developed any real fondness for guns or hunting.

I'm not anti-gun or hunters I just subscribe to the theory "If you are going to arm one fool you better arm them all."

Just to make it fair.

Over the years we have had several bad experiences with hunters.

It is not just the ones who come in on opening weekend either. One year a local businessman had apparently spent hours in our creek pasture watching deer, getting ready for opening day, so he would know the habits of the herd. When we realized this and asked who gave him permission to be on the property he told us the people who owned the adjoining acreage.

After we pointed out that they did not own the land he was on and therefore could not give him permission to be there he said he thought they did own it and since he asked them he hadn't done a thing wrong.

A word to the wise — the best way to get the last word is to say "I'm sorry."

It used to be that about every November 1 the hubby would wean calves and put them the lot behind the house. Freshly weaned calves get a little edgy. You don't really want people walking around shooting guns amongst them.

In general I think it is probably not a

Back Home Nancy Hagman



good idea to be shooting around cattle of any sort but what goes as common sense in my book doesn't always apply to everyone I guess.

Once I chased a hunter off who shot a pheasant from the road but came onto our property to pick it up. I actually talked to the sheriff about that. He told me if your property is not posted it is considered to be open to hunters.

This seems wrong to me, I wonder how these city folk would react if I went into their backyard and built a tree stand, littered up the place and shot off a few rounds. I'm pretty sure I would at least have to apologize.

When I was a teen I did some target shooting with a rifle. You got so many shots and they graded the shot pattern. I was very consistent but always a little high and to the left of the bull's eye.

I also had an opportunity to try archery. I was pretty good at that, although I can't imagine trying to hit a moving target from a tree stand.

A few years ago Bob and Debbie Smith did some hunter education for our 4-H club. It was an excellent program. I got to

shoot a pistol. It is not as easy as you might think. After I figured out how to aim the thing I did well. (Just a warning.)

The experience showed how important hunter education and gun training is. People who have hand guns for personal protection are never going to hit anything unless their assailant is at point blank range without some target practice or dumb luck.

I hope all the hunters who flood our part of the country have some hunter education.

The day before pheasant season opened Elizabeth came over.

When she walked in she asked, "Who cleaned a pheasant on the front porch?"

I hadn't been out the front door and I was a little taken aback. She said there were feathers all over the place.

Junior laughed and said, "Smiley opened the season early and got her limit."

Silly dog — it was probably road kill but she had a pheasant. She had carried it around all day. And she carried it around all day Saturday. She was as proud as any hunter. Sometime Sunday she must have buried it — it seems to have disappeared. I know she would not have let the cats have it and doubt she ate it

It seemed there were lots of pheasants around earlier in the fall but not a lot opening weekend. The hubby got one. We are better at deer hunting. Our choice of weapon is a vehicle — we don't even buy a license and yet it seems we manage to get one every year.

Memorial makes huge impact

Before there was 9-11, 168 people were killed in a terrorist attack on the federal building in Oklahoma City.

At 9:02 on April 19, 1995, a rental truck carrying a bomb made from Kansas fertilizer exploded by the Alfred P. Murrah Federal Building, partly collapsing the nine-story building and damaging many churches, a YMCA and other buildings in the vicinity.

It took almost two weeks to pull all the bodies from the rubble and identify them. Then it took another five years before a suitable memorial was ready.

Steve and I visited Oklahoma City last week. We went to the art gallery, the Cowboy Hall of Fame and yes, we visited the memorial. Not to have gone would be like visiting Washington, and not going by the Lincoln Memorial.

After a little more than 10 years, the scars are mostly gone from downtown Oklahoma City. What was left of the old federal building was torn down. The churches have been repaired. The YMCA has been relocated to another building and its old home removed.

The young woman who gave us the tour gave us a memorized and rehearsed narrative of the blast and its aftermath. I wasn't impressed by her posturing. She has said this too many times, and she ob-

Open Season Cynthia Haynes



viously wasn't around when that bomb went off.

What did get to me was what I saw. As we got off the bus, we were next to a chain-link fence cluttered with memorabilia. There were teddy bears, notes, photos, hair ribbons, toy trucks and even a birthday card to someone who died 10 years ago.

It's obvious, while some of these things have been there for years, relatives, friends, parents and spouses still mark special events with new items.

Inside the memorial, 168 chairs line up to nine deep on a grassy slope where the old federal building stood. Each chair bears the name of a person killed in the blast and each is set in a row representing the floor the person was on when the blast went off.

Among the chairs are 19 small ones, mostly in the second row. That's where the day-care center was. That's where 19 children died.

Each of the chairs has a glass base with the name of the victim on it. On three of the chairs there are two names — one for a mother and one for her unborn child.

Inside the museum, after you get past the gift shop and the elevator, you are led on a journey from a time in the early morning as people drop their children off at the day care center and head for their desks to begin another day.

You get to sit in on a tape of what looks like a rather dull hearing at the Oklahoma Water Resources Board. In the middle of the explanation of how the hearing will be conducted, there's an explosion, the lights go out and you can hear the people screaming and scrambling to get out of the doomed building.

The tape was found in the rubble. Another room shows items taken from the debris — broken glasses, shoes torn apart, scraps of paper, damaged computers and telephones.

Above it all, television monitors show you the rescue effort as people are rushed from the burning hulk of a building into ambulances and given first aid. Other monitors show supervisors trying to find their employees and frantic parents trying to get to where they had left their children.

No Islamic terrorist here.

It's easy to forget that the people who hate us sometimes are us.

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