

# Opinion



**Free Press  
Viewpoint**

## Stories of torture shame U.S. record

The stories coming out of the U.S. detention camp at Guantanamo Bay, Cuba, are not pretty. They ought to raise some indignation in this country, which has prided itself over the centuries in treating prisoners better than most.

Torture. "Extraordinary rendition." Flying prisoners around the world in secret. Turning them over to the allies who don't play by our rules — with a list of questions to be asked.

Is that how we think of America?

Yes, we're facing a difficult, dedicated enemy, but no more difficult than many we've fought. Over the decades, we've made our rules of conduct tighter, not looser.

In America, we don't tolerate torture or abuse by the police. We say we don't tolerate it by our military. And we specifically ban it for our intelligence agencies.

So what makes it OK to break or even bend the rules?

The story of torture by U.S. operatives has come out piecemeal. First there was the abuse by Army prison guards, forcing prisoners to do embarrassing, sometimes sickening things for the amusement of the guards.

Soldiers were alleged to have set dogs on prisoners for sport. Others said it was all part of a sophisticated plan to break down their will, put in place by higher ups. A few enlisted men and a couple of officers paid the price, but no one could prove anything on the "higher ups."

Then came stories of the chain of prisons around the world where terrorists suspects could be held, questioned and maybe tortured in secret. Some were run by U.S. agents, some by allied intelligence agencies.

The U.S. acknowledged using some borderline torture techniques, such as the infamous "waterboarding." Bush officials defended this practice, claiming it wasn't harmful — even if it made the victim feel like he was drowning.

Sure, there's been abuse and law-breaking in every American war, at least since the Indian wars. Probably since the Revolution.

If war is hell, as one general is said to have remarked, then men in hell may be expected to behave less than perfectly. That does not excuse mistreatment of prisoners, but still, it happens. The American military has prosecuted rule-breakers, trying some as criminals, disciplining others with reduction in rank or discharge. That happened in World War II and in Vietnam.

Often, those involved and their superiors tried to cover up the crimes. Sometimes it worked, sometimes it didn't. Everyone knew it was wrong.

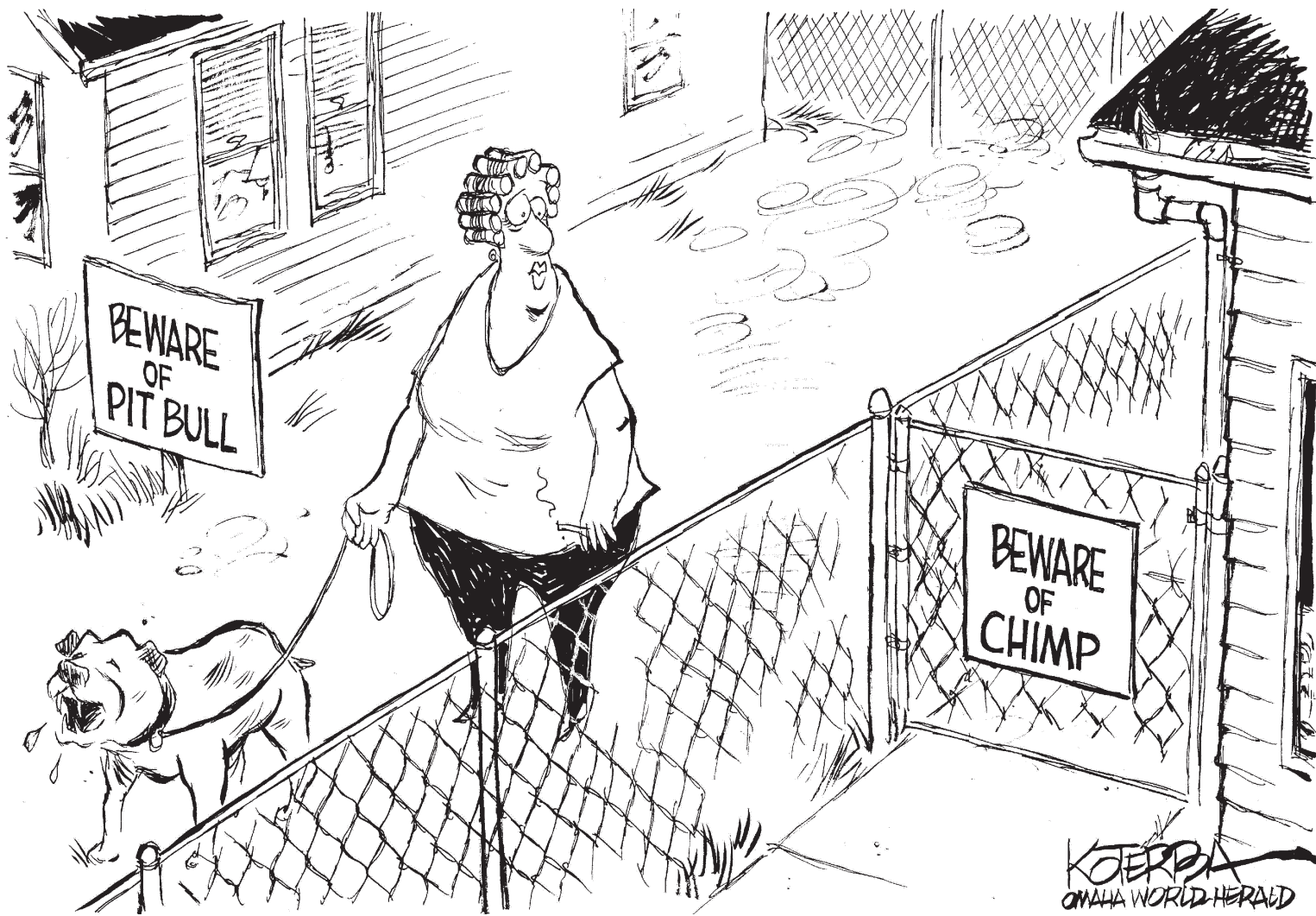
And today? Has anything changed?

The stories that come out of Gitmo and the other camps will get worse. A British resident released Monday cited chapter and verse of his travels. He told of torture in Morocco, where he claimed British MI5 agents and maybe the CIA fed questions to his captors — and got reports.

In the U.S., the Obama administration has no reason to step up and defend its predecessor. Predictably, the new team will have its turn, too.

Meantime, Americans need to consider what's happened and what's right. Have we changed our traditions? Do we now condone torture so long as it's "soft" or so long as it's done out of our sight?

We hope not. — *Steve Haynes*



## Death penalty statute should stand

Kansas has one of the most responsible and limited death penalty laws in the nation. The attorney general's office has prosecuted 40 percent of the capital murder cases in the state under this law, including the recent case against Justin Thurber in Cowley County.

The death penalty does not apply to all murders. It is reserved for the worst, most heinous and cruel crimes. Since 1994, 25 defendants have been charged with capital murder, while only 12 men have been sentenced to death. No one has been executed since the law was reinstated. The vast majority of murders do not meet the requirements of our state's capital murder statute.

The men on death row are some of the most notorious and dangerous criminals in our state's history:

- The Carr brothers who robbed, raped, and tortured five young people before shooting them execution style in an open field. Miraculously, one young woman survived.
- Doug Belt, who raped and beheaded his victim.
- Gary Kleypas, who while on parole for beating a woman to death in Missouri, stalked



**Robert Six**

• Attorney General

a young Pittsburg State student and then raped, tortured and stabbed her to death.

• Thurber, who kidnapped, raped and sodomized Jodi Sanderholm before strangling her to death in a remote part of Cowley County.

Before being sentenced to death, these defendants were treated fairly by law enforcement and had their constitutional rights protected. Each had two experienced attorneys paid for by the state, a fair trial, and an automatic appeal to the Kansas Supreme Court. Each will be given time to make peace with God, to say goodbye to his family and prepare for death. Their victims got none of these things.

Death penalty opponents often point to problems in other states where defendants had ineffective or incompetent attorneys, where

prosecutors have unlimited discretion to seek the death penalty or where there is no option of life in prison without parole. These problems do not appear in Kansas.

Recently, a bill was introduced to abolish the death penalty, claiming it would save the state money. Supporters of the bill point to a 2003 study that claimed it costs more to put someone to death than incarcerate them for life. However, that study relies on data reported by interested parties — not actual costs — and projections that are acknowledged to be speculative. It also fails to recognize many cost savings associated with having the death penalty as a sentencing option.

We cannot put a price on justice for the victims and their families. It is by exacting the highest penalty for these criminals — whose brutal, vicious acts have taken a life and whose conduct demonstrates they have forfeited their right to live among us — that we recognize the value of the life taken.

Justice requires a punishment that fits the crime. Kansas has a responsible death penalty statute and it should stand.

## Scare tactics obscure budget issue

Due to the attention given to the most recent news on state income tax refunds and state payroll from our governor, I thought the following briefing issued last week from our Legislative leadership might be of interest to you:

**SUBJECT:** Facts regarding state finance council, certificates of indebtedness, state employee paychecks and state tax refunds.

A few facts about (the) actions surrounding the state Finance Council meeting, which was ultimately cancelled by the governor:

Before the meeting, Republican leaders met with the governor to let her know privately that they could not support signing an additional certificate of indebtedness — particularly of the size the governor was requesting. Without assurance there would be a positive ending balance, they told her, it would be against state law to approve the certificate. The private meeting was an attempt to spare the governor the embarrassment of losing the vote in the public Finance Council meeting.

The governor abruptly cancelled the meeting, cutting off any hope of continued dialogue for the rest of the day to resolve the matter. She issued a statement condemning the Republican leadership for attempting to "blackmail" her into signing the recision, which was not yet



**Ralph Ostmeyer**

• State Senator

even on her desk. The Senate minority leader fired off his own media statement referring to "blackmail" and "coercion".

The governor and the Democrats are the ones who immediately reverted to scare tactics by using their access to state agencies and the Kansas Organization of Public Employees to contact state employees and tell them they might not get paid this week. They also added the inflammatory information that payments of state tax refunds were being held up, implying that move was somehow tied to these events, when in reality the administration ordered suspension of tax-refund payments last week.

After reports of the governor's statement and the minority leader's comments, legislative leaders held their own news conference in the House Chamber and attempted to explain to the press corps the legal problems surround-

ing the certificate of indebtedness.

The Republican leadership never issued an ultimatum about the recision bill, nor did they refuse to attend the Finance Council meeting. They met with the governor privately beforehand to warn her of the legal obstacles to approving certificates of indebtedness under these conditions.

The secretary of the Senate and her staff have done everything possible to expedite the proofing and editing process of the recision bill to get it to the governor as soon as possible.

The bill will be on the governor's desk by around 1 p.m. today for her consideration and possible action.

Right now, the only way for the state to get to a positive ending balance is to:

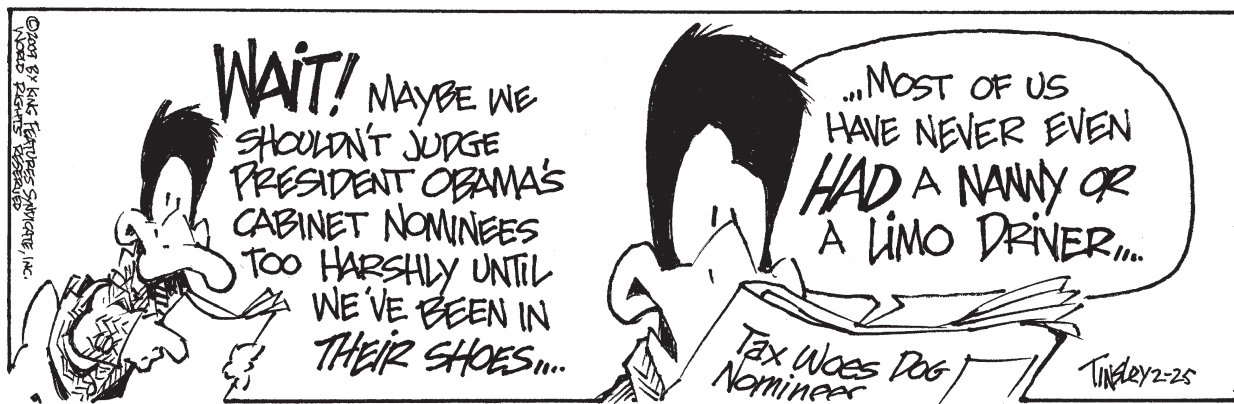
- sign SB23 with no or with only limited line-item vetoes or,
- do an allotment.

Once it is proven the state will have adequate funds, a certificate of indebtedness can be signed and all obligations to state employees, Medicaid and schools can be met.

(The governor did sign the bill with only a few line-item vetoes, and the certificate of indebtedness was issued, allowing the state to pay its bills on time.)

## Mallard Fillmore

• Bruce Tinsley



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