

Free Press Viewpoint

Free speech lives despite charges

It took a lawsuit, but a Wichita-area suburb has admitted it did wrong by filing criminal charges against a citizen who put a sign in his yard critical of the city.

Who'd have thought that kind of thing still happens in America?

Still, it appears officials sometime will violate the Constitution just because they can, just as some will violate open meetings or open records laws – just because they can.

It can be tough to be in government. You're open to criticism on all sides. Sometimes officials just get tired of dealing with people, especially if they're persistent and make themselves known.

That's apparently what happened in Valley Center, where the city attorney filed a little-used charge of criminal libel against a citizen who complained about a drainage problem in his yard.

The homeowner, Jarrod West, posted a sign June 25 that said "Dear Valley Center, I did not buy Lake Front Property! Fix this problem. This is what I pay taxes for. P.S. Joel, this means you!"

The "Joel" apparently referred to City Administrator Joel Pile, the Associated Press reports.

City Attorney Barry Arbuckle sent West a letter questioning the factual accuracy of the yard sign, particularly Pile's personal responsibility for drainage problems, court records show. Fearing legal action, West removed the sign July 10.

However, eight days later, he was named in a criminal complaint alleging that the sign exposed the city administrator to "public contempt and ridicule ... tending to deprive him of the benefit of public confidence and social acceptance."

Apparently, you can't fight City Hall.

The city later dismissed the complaint "without prejudice," meaning the charges could be refiled. The city attorney allegedly wouldn't promise otherwise, and Mr. West called in the American Civil Liberties Union. A suit was filed in federal District Court and a hearing set on an injunction.

It seems the First Amendment bars government from persecuting citizens for exercising their rights. Here's the text of what many consider the key part of the Bill of Rights:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The suit alleged that Mr. West could not exercise free speech or petition the city government while subject to criminal charges. Apparently, the city saw the light. In a settlement agreement, it promised not to reinstate the charges, plus pay Mr. West \$2,000 in damages and \$6,000 for attorney's fees.

"The First Amendment's cardinal purpose is to prohibit government from prosecuting citizens for seditious libel," said Doug Bonney, the lawyer assigned to the case, "but that's exactly what Valley Center did ... That is an outrage."

We couldn't have said it better. The freedoms of the First, to worship, speak and publish as we wish and have our say with government, are priceless, not to be trampled by anyone.

Amen, and thank God for the ACLU. – Steve Haynes

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COLBY FREE PRESS

155 W. Fifth St. (USPS 120-920) (785) 462-3963
Colby, Kan. 67701 fax (785) 462-7749

Send news to: colby.editor@nwkansas.com

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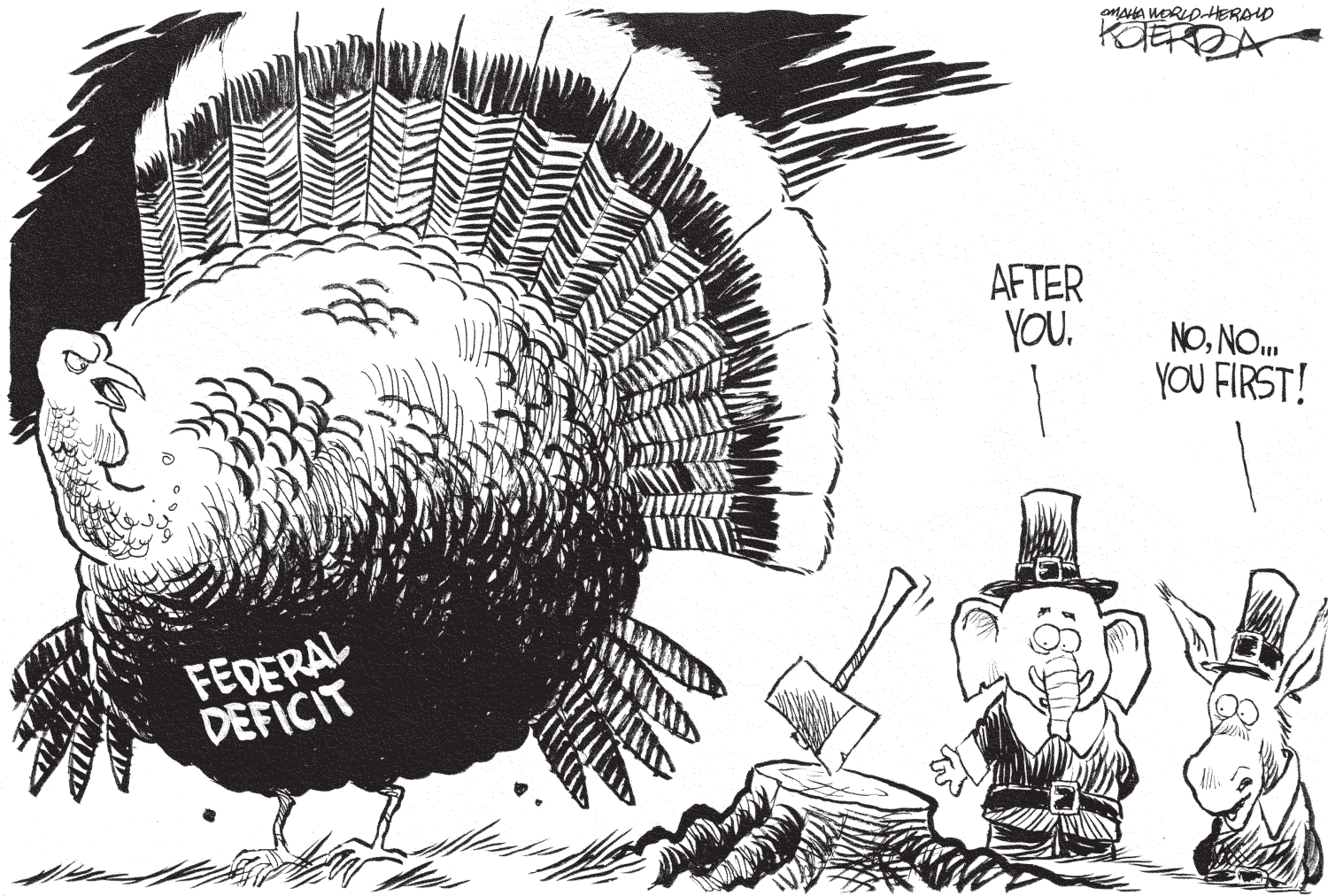
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THE COLBY FREE PRESS (USPS 120-920) is published every Monday, Wednesday, Thursday and Friday, except the days observed for Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and New Year's Day, by Nor'West Newspaper, 155 W. Fifth St., Colby, Kan., 67701.

PERIODICALS POSTAGE paid at Colby, Kan. 67701, and at additional mailing offices. POSTMASTER: Send address changes to Colby Free Press, 155 W. Fifth St., Colby, Kan., 67701.

THE BUSINESS OFFICE at 155 W. Fifth is open from 8 a.m. to 6 p.m. Monday to Friday, closed Saturday and Sunday. MEMBER OF THE ASSOCIATED PRESS, which is exclusively entitled to the use for publication of all news herein. Member Kansas Press Association and National Newspaper Association.

SUBSCRIPTION RATES: In Colby, Thomas County and Oakley: three months \$35, one year \$85. By mail to ZIP Codes beginning with 676 and 677: three months \$39, one year \$95. Elsewhere in the U.S., mailed once per week: three months \$39, one year \$95. Student rate, nine months, in Colby, Thomas County and Oakley, \$64; mailed once per week elsewhere in the U.S. \$72.



Remember patriots, avoid nationalism

Veterans Day has come and gone. Hopefully, Americans took a moment to reflect on the soldiers who gave their lives fighting in distant lands.

As Americans we should continue to honor the memories of those who fall in battle, while reconfirming our commitment to supporting our veterans and their families, whether they were soldiers in Korea or Vietnam, Afghanistan or Iraq.

While honoring our veterans and soldiers is laudable, it is hard for me not to be suspicious of the way politicians and media pundits promote patriotism in this country.

Many of them seem unable or unwilling to discern the difference between patriotism and nationalism. And far too many of them are willing to reinvent history in order to evoke nationalistic fervor from their audiences.

Celebrating America's accomplishments is appropriate; ignoring our past moral blunders is an insult to the people who suffered immensely at the hands of America or U.S.-backed allies.

Lately, certain groups have hijacked patriotism for their own self-serving purposes. Instead of being used to unify the country, patriotism is often used as a weapon to bludgeon opponents. The Bill O'Reillys and Sean Hannitys of the world have monopolized the meaning of patriotism and fed it to their audiences like chum to sharks.

The Hannity-O'Reilly definition of patriotism is based on the premise that America has always been a force for freedom in the world, and anyone who says different is a pinhead, an elitist or a hater of America.

No one should discount the influence this view has had with the American public. Amer-



Andy Heintz

• Wildcat Ramblings

icans have always been hostile to so-called experts and pointy-headed intellectuals who criticize our country, and many of these people see Hannity and O'Reilly as working-class heroes fighting back against the elitist professors filling students' heads with subversive ideas diametrically opposed to core American principles.

But before people jump on the Fox News-Rush Limbaugh bandwagon, they should take into consideration the reasons not to embrace this type of patriotism. The first thing people should understand is that most of the people who O'Reilly and Hannity label as unpatriotic do not hate America.

Progressives are proud of our soldier's courageous efforts in World War II, but we were opposed to the Central Intelligence Agency's later role in overthrowing democratically elected countries in Guatemala, the Congo, Chile and Iran. We embrace America's traditional protection of freedom of speech, but we were repulsed by former President George W. Bush's decision to lock thousands of Muslims in jail without charging them with anything or giving them access to an attorney.

We are glad Saddam Hussein has been overthrown, but we disagreed with our country's initial support for him in the 1980s and many of us felt the sanctions put on Iraq by America

and Britain only increased the suffering of Iraqis already living under a brutal dictator in a country shattered by war.

Progressives were horrified by the terrorist attacks on Sept. 11, 2001, but many of us wanted our country to pursue al Qaeda in a way that didn't kill thousands of civilians in Iraq and Afghanistan. In Afghanistan's case, maybe this was naïve, but it's still hard to justify the deaths of the innocent Afghans who had nothing to do with the 9-11 attacks.

But if Americans are to accept the ends-justify-the-means argument in Afghanistan, then we must ask ourselves if this means people in countries like Laos, Vietnam, El Salvador, East Timor, Nicaragua, Cambodia and Guatemala would have been justified in carrying out attacks on the United States? Thousands of people in these countries lost their lives because of actions by the United States or U.S.-armed allies.

Personally, I don't think any sort of widespread retaliation would have been justified. The actions of a few powerful people, no matter how bad the consequences, don't make it OK to take the lives of innocents. But if Americans decide to hold people in other countries to this standard, then we most also apply these principles to ourselves.

Progressives don't hate America. We just want to make sure America practices what it preaches. We encourage Hannity and O'Reilly to do the same.

Andy Heintz, a K-State journalism graduate, is sports reporter for the Colby Free Press. He says he loves K-State athletics and fishing, sports and opinion writing.

Kansas adopts national curriculum

Not one television camera was present. No newspaper headlines announced the news. But a decision with more ramifications for Kansas schoolchildren than the evolution-creation debates of 1999 or 2005, or the recent budget cuts, came on the afternoon of Oct. 12: the state Board of Education made Kansas the 38th state to adopt the national "Common Core" standards in math and English.

Board member Sally Cauble moved, with a second by Carolyn L. Wims-Campbell, that the board adopt the Common Core State Standards for Mathematics and English Language Arts, including Kansas additions to the standards referred to as the "State 15-percent option."

Members Sue Storm, Kathy Martin, Jana Shaver, Janet Waugh and David Dennis provided more than enough votes to pass the measure 7-to-1. Only Walt Chappell was present to oppose the motion. It takes six members to pass a motion, so the absence of John Bacon and Kenneth Willard did not make a difference, although both had expressed concerns with the federal takeover of education at previous meetings.

States adopting the Common Core are to implement a student assessment system aligned with the core beginning in the 2014-15 school year. Over \$350 million has been allotted to various groups to develop tests to provide a "common yardstick," including "Achieve" and the "SMARTER Balanced Assessment Consortium." Several Board members who voted for the Common Core expressed a desire



John Richard Schrock

• Education Frontlines

to keep the state's test agent, but the current administration has signaled a clear intention to continue to tie Title I federal money to adoption of common tests.

Several board members had said that they would not adopt the Common Core in science and social studies now under construction. Reasons are fairly clear: to avoid the disruption of the creation-evolution debates, as well as the embarrassing skirmishes currently occurring in Texas over the portrayal of Muslims in social studies textbooks, etc.

Nevertheless, as long as federal education dollars remain tied to requirements for a common curriculum and nationwide testing, states must buckle and join, or lose big money. With 41 states now adopting the math-English core, there is no reason to believe they will resist nationalizing the rest of the school curriculum.

The Oct. 27, 2010, issue of Education Week carries a summary of the Thomas Fordham Foundation report "Now What? Imperatives and Options for 'Common Core' Implementation and Governance," which makes clear the next steps: setting up a governing board to oversee standards and assessments, updat-

ing the standards every five to 10 years, and setting up a governing body to support state implementation. Clearly, the oversight of this curriculum will be decided at a national level.

Other national education groups are pressing forward with a national teacher assessment for measuring all teacher education with a common yardstick, the same mentality that has driven the national curriculum. A cookie-cutter curriculum requires cookie-cutter teachers.

In Kansas, where "local control" is every board member's middle name, and in an election cycle where anything federal is being thrown out, it is astounding how easily 40 states have rolled over and meekly handed the core of their educational jurisdiction to national bodies. The fact that Common Core was facilitated by the National Governors Association and the Council of Chief State School Officers is no less ironic.

The last decade has seen state and local school boards spending more and more time implementing federal No Child Left Behind requirements. Now that Kansas has adopted Common Core standards, the state and local school boards will have even fewer policy decisions to make.

John Richard Schrock, a professor of biology and department chair at a leading teacher's college, lives in Emporia. He emphasizes that his opinions are strictly his own.

Mallard Fillmore

• Bruce Tinsley

