



Free Press
Viewpoint

Is Constitution still going strong?

An essay in *Time* magazine asks if our 235-year-old Constitution is relevant today.

There’s nothing new in the question; it’s been asked off and on for more than 200 years.

The framers of the Constitution, so the questioning logic goes, knew nothing of airplanes, telecommunications, cell phones, modern medicine. The list is endless.

A century ago, the telegraph. You get the picture.

Of course, times have changed. The Constitution, in great measure, has not. Oh, it’s been amended – we banned, then restored the liquor trade, granted civil rights to all, limited presidents to two terms, but never specified “equal rights” for women.

Overall, the changes have been relatively minor.

Changes in technology don’t outmode a system of government. The Constitution sets out an elegant solution to the need for a national government while protecting the citizens and the individual states from that government’s power.

If not the Constitution, with its republican system and its balance among three co-equal branches of government, how should we be governed?

By a socialist, liberal dictatorship where those who know best tell the rest how to live? Oh, that’s been tried, hasn’t it?

By instant electronic democracy? Government by Facebook? Sounds dangerous, unstable.

The Founding Fathers may have known little of railroads, steamships or the telephone. They did know the value of the printing press, essentially the Internet of their day, and they knew human nature.

They had fought to free the colonies from oppression by those across the sea who knew best, and understood the dangers of government granted excessive power. They gave us the framework of a system that could endure many dangers, but they left out the most precious part – our rights.

That omission was soon corrected by the addition of the first 10 Amendments, what we know as the Bill of Rights. And there, with a little tinkering, they gave us the most nearly perfect system of government known to man.

Today we look at the federal government and see that it’s bloated, cumbersome, slow-moving, hard to deal with and still harder to change. Perhaps the problem isn’t with the Constitution. Perhaps it’s with the way it’s interpreted and abused.

The framers never intended the government to be a tool for granting favors to business or social groups. They created a limited government, with limited powers and three branches to watch one another.

Time has, perhaps, corrupted that vision. It allowed the government to grow large, and at times, in its clumsy way, oppressive. Some say the system is no longer responsive to our needs. If that’s the problem, though, it can be corrected.

But the framework, the framework is as brilliant today as it was 200 years ago.

A new Constitution for the Internet era?

Can you imagine? If Congress wrote it today, instead of the spare and simple document we have, it’d run to thousands of pages, replete with earmarks for the politicians and tax breaks for corporations.

The First Amendment might be 45 pages, rather than 45 words, and mention every group that might claim a right.

Let’s not take the chance. Let’s keep the Constitution and dump those who want to subvert it. – *Steve Haynes*

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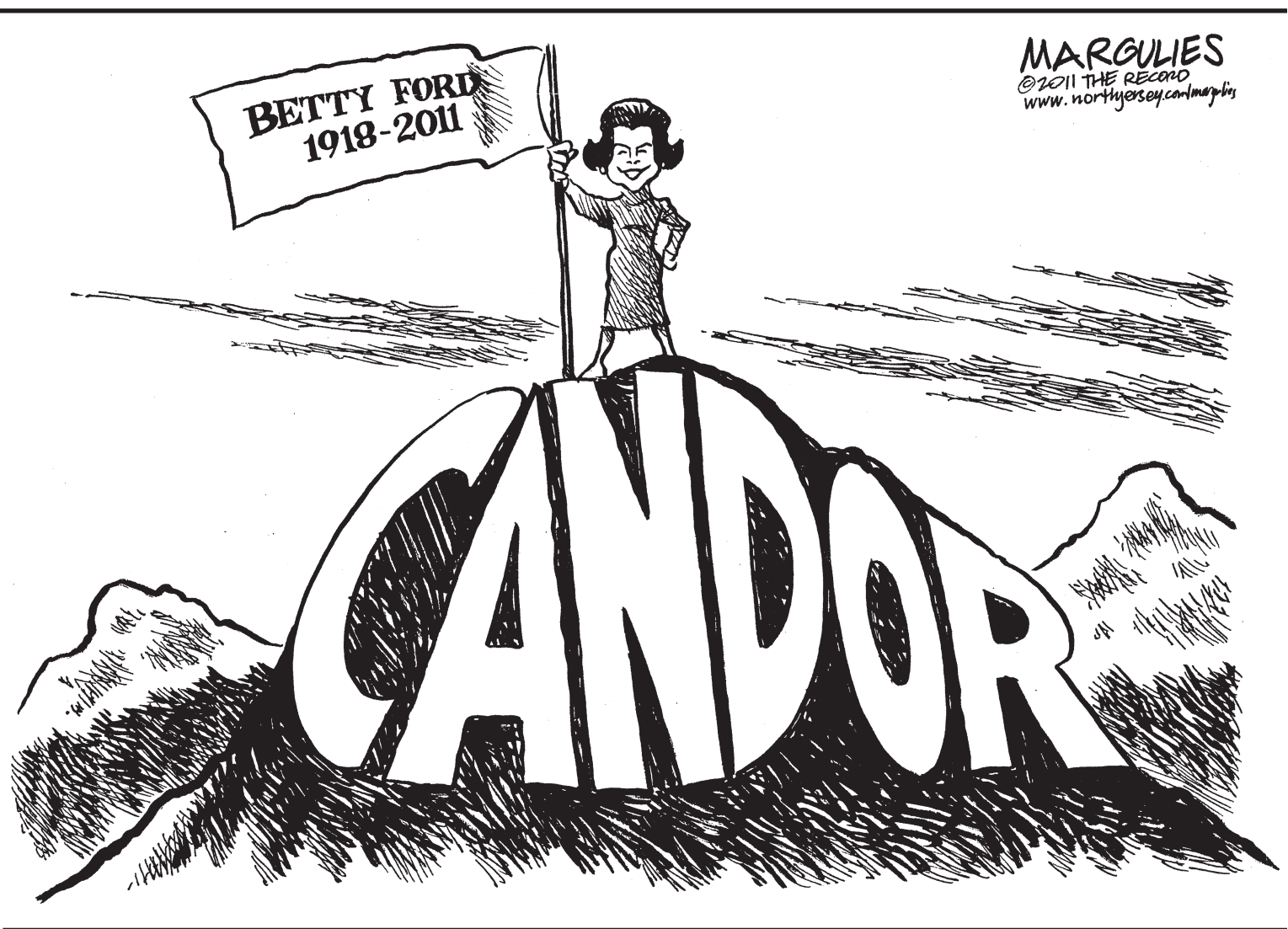
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When did all her friends get so old?

Who are all these old people and why do they look so much like my friends?

We were back in Colorado for the Fourth of July, among old friends and neighbors.

Sitting at a table in the cafe waiting for our breakfast to arrive, I noted several friends from years gone by.

Back in 1980, when we moved to the mountains, these were the town’s young movers and shakers. They were the 20 and 30 somethings, ready to take over from the old fuddy duddies running the show.

Now my old friends have gray hair and a lot of wrinkles.

One, a photographer and painter who lives in Colorado in the summer and Lawrence in the winter, admitted that he’s receiving Social Security. It’s not much, he admitted, but it pays his health insurance, and for a self-employed painter, that’s pretty great.

My neighbor, who has been retired from the Forest Service for years, told me he had turned 70 last year. Yipes. His kids and my kids were practically the same age. They attended school together and played together in our adjoining back yards.



Cynthia Haynes

• Open Season

Now his daughter lives in Australia and his son works in construction in the town he’s lived in almost his entire life.

Across the street, the old superintendent of schools and his wife, who worked part time for the post office and full time in her yard, divide their time between Colorado and Arizona.

So do the couple two doors down. He was lineman for Rural Electric and she’s still a housewife.

I met the former lineman at a yard sale and he confided that he really doesn’t miss the ice and cold of the 40-below winters in the mountains.

This is the same man who taught my daughters to play basketball and shepherded the county’s small Mormon flock. Now he’s retired

and hasn’t climbed a power pole in years.

I remember the evening that this same man waded through waist-deep snow to resting the power line that provided the only source of electricity for our community. He still looks as strong as an ox, but the bifocals and hearing aids are a sign of his age.

Back in the cafe, I spotted a shop owner and jewelry maker. Now her straight knee-length hair is graying and put up in a bun. Back when I first met her, she wore it down most of the time and it was coal black. Now the wild child is a matron and community leader.

How did all these people get so old. How come they aged but I’ve stayed a 30 something? So strange.

(No, you don’t need to remind me that I too have many gray hairs and my children are all in their 30s. I’m busy avoiding mirrors and deluding myself, thank you very much.)

Cynthia Haynes, co-owner and chief financial officer of Nor’West Newspapers, writes this column weekly. Her pets include cats, toads and a praying mantis. Contact her at c.haynes @ nwkansas.com

Court oversteps on ‘Don’t ask, don’t tell’

How sad that just two days after our nation celebrated another Independence Day, a major U.S. court decided to ignore the Constitution. I refer to the 9th Circuit Court of Appeals decision on July 6 to allow open homosexuality in the military ranks, thus immediately ending the “Don’t Ask, Don’t Tell” policy which has been in effect for 18 years.

Article I, Section 8, of the Constitution empowers Congress “To make Rules for the Government and Regulation of the land and naval Forces...” Article II, Section 2, empowers the president to be “Commander in Chief of the Army and Navy of the United States...”

Article III delineates the responsibilities of the judiciary, yet it is conspicuously silent about the courts’ role in military matters. For this, we should all be grateful. Micro-managing military policies by judicial fiat ignores the authority of our military leadership and circumvents the military’s own Uniform Code of Military Justice.

By allowing judges to institute military policy, we diminish the roles of the Secretary of Defense, the Joint Chiefs of Staff, Congress and the constitutionally mandated role of the nation’s commander-in-chief. Simply put, the military’s role is to fight and win our nation’s wars. Judges lack the expertise and, in my opinion, the authority on how to best do this.

A three judge panel of the 9th Circuit vacated their earlier stay of the lower court’s ruling that Don’t Ask, Don’t Tell was unconstitutional. The *Wall Street Journal* pointed out that the latest decision “creates the possibility that recruiting rules could shift back and forth for weeks to come.”

This lack of consistency and expertise by the courts makes it very difficult to operate a first-rate military, much less fight two wars. It underscores the rationale – that many courts respected over the years – to give great leeway for the military to decide these issues, hopefully in an environment devoid of political and social considerations.

It is no secret that the American Legion would prefer that Don’t Ask remain in place. Our concern is not based on prejudice or discrimination but solely on unit cohesion and combat readiness.

When a lame duck Congress rushed through legislation last year that would likely repeal Don’t Ask, Don’t Tell, it included a requirement that Department of Defense officials first certify that the new policy would not have an adverse effect on combat readiness. That certification has not yet happened.

Moreover, last year’s legislation passed after Congress was presented with a report that some have called into question. It contained what was supposed to be an honest survey of how those who matter most – the men and women in uniform – feel about the issue. It was later revealed that the numbers were manipulated in media reports that falsely indicated that 70 percent of the military members surveyed had no concern about the repeal.

Secretary of Defense Robert Gates was so bothered by the unauthorized and premature leaks of the report that he ordered an investigation by the Department of Defense’s Inspector General. The U.S. Army and U.S. Marine Corps have been bearing the brunt of the combat, yet last year both of their service chiefs ignored political winds and bravely testified in favor of keeping Don’t Ask, Don’t Tell.

Then-Army Chief of Staff Gen. George W. Casey told lawmakers, “Implementation of the repeal of Don’t Ask, Don’t Tell would be a major cultural and policy change in the middle of a war. It would be implemented by a force and leaders that are already stretched by the cumulative effects of almost a decade of war.”

Marine Corps Commandant Gen. James Amos was even more forceful in an interview last year with newspaper reporters. He noted

Other Opinions

• Jimmie L. Foster
American Legion

that a large percentage of Marine combat veterans that were surveyed are opposed to the change. “So the Marines came back and they said, ‘Look, anything that’s going to break or potentially break that focus and cause any kind of distraction may have an effect on cohesion,’” Amos said. “I don’t want to permit that opportunity to happen. And I’ll tell you why. If you go up to Bethesda [Naval] Hospital ... Marines are up there with no legs, none. We’ve got Marines at Walter Reed [Army Medical Center] with no limbs.”

The Obama administration should defend the president’s constitutional role as commander in chief by directing the Justice Department to immediately appeal the 9th Circuit’s ruling. Moreover, the military brass and civilian leadership at the Department of Defense should withhold certification until the issues of military readiness and unit cohesion are studied more honestly and thoroughly.

Jimmie L. Foster of Anchorage, Alaska, is national commander of The American Legion, the nation’s largest wartime veterans organization with 2.4 million members.

Mallard Fillmore

• Bruce Tinsley

