

Free Press Viewpoint

Open courtrooms accountable to all

A federal judge did the right thing the other day, and refused to issue a "gag" order in the trial of a suit by four families against the venerable St. John's military school in Salina.

Lawyers for the school argued that the plaintiffs' attorney had granted "media interviews" after filing the suit. One told the judge the motion was necessary "to keep the lawsuit from being tried in a public forum."

"This case has drawn a significant amount of media attention already," the lawyer, Derek Johannsen, said.

Parents of the four boys said that amounted to a request to violate their First Amendment right to free speech.

U.S. District Judge John Lungstrum sided with the parents, refusing to grant the order. That was the wise thing to do.

A gag order in such a case seldom has much impact. If the case has a high profile, it'll lead the evening news and land on Page 1 as it will.

What a gag order does is prohibit those who know the case best, the lawyers and principals, from explaining it to reporters. And to that end, it means the press likely will have stories that reflect the case with less accuracy.

American courts are open by tradition, and for important reasons. In this country, we don't allow people to disappear into the government's judicial system. We expect charges, trials, evidence and sentences to be out in the open, where the world can judge them. There is simply no other way, in a democracy, that the people can watch the system.

Defense lawyers in particular make a show of wanting to close records, close hearings, close courtrooms and gag witnesses. But a court system that goes behind closed doors is a danger to a free society.

In this case, St. John's denies charges that it fosters "a culture of abuse, lack of institutional control, failure to supervise or any kind of coverup" in charges of abusive punishment and hazing by upperclassmen.

Court records show, however, that the school has settled nine similar suits since 2006, including one where a federal judge found that the school knew about the potential for hazing and yet allowed ranking cadets to stay in control of discipline.

One lawsuit settled last year involved a cadet who had been branded with a star-shaped medal in an initiation. At least 10 others were similarly disfigured. Other charges in the current case include "saber swatting" and other types of beatings.

It's an unsavory case to be sure for the school, an institution of the Episcopal Church, but a gag order is not called for. The tradition of open courts is too precious to risk.

Unlike its cadets, the school will have to take its beating out in the open. — *Steve Haynes*

NEWS ITEM: WITH TENSIONS HIGH AND A SHOWDOWN LOOMING, THE PRESIDENT VISITS THE FRONT AND PEERS INTO ENEMY TERRITORY...



Saying goodbye to an old friend

It was one of those phone calls you hate to make.

I had to call our son, Lacy. "Frank isn't doing so well," I said. "The vet says his kidneys are shutting down and he doesn't think he'll make it."

Frank just didn't look too perky on Tuesday night. He vomited some green liquid, but he's a cat. It seems like the cats spend their lives leaving us wads of hair and barf.

But Steve and I agreed, he didn't look well. So, first thing last Wednesday morning before heading off to work, I dropped him off at the clinic. The vet said that he looked dehydrated and suggested a blood test. I agreed and headed off.

About mid-afternoon the call came. He's getting worse. He's not holding anything down, and when we give him fluids under the skin, the liquid just comes right back out the nether end. It looks like he's shutting down.

The vet met me at his office at 7 p.m., even though they close at 5.

Frank just lay there. His eyes were open and he didn't seem to be in any pain, but he obviously couldn't stand and he had messed his cage even though the vet said he had just changed the papers minutes before I arrived.



Cynthia Haynes

• Open Season

I decided to take him home. The vet gave me an old towel to carry him in, a bag of fluids and a syringe you could use on a horse to inject him with fluids.

At home, I laid the poor kitty down in the bathroom and covered him with another old towel. I gave him 60 cc of the lactated Ringers solution and scratched him behind the ears.

He liked the scratching, didn't complain about the injection and just laid there.

I checked on him every now and then until bedtime, and Steve checked about 1 a.m.

At 4 a.m. I checked once more. He was gone.

It was the spring of 1992, I recalled, and Lacy wanted a cat. We heard there was one in a barn near the football practice field but that cat was too wild to get near.

However, a pretty little female jumped in my arms and started to purr.

My husband pointed out that the cat was pregnant.

Lacy said he'd take one of the kittens. So in May, the female we named April Alice gave birth to five kittens in one of our closets.

Lacy took one of the males and named him Frank. He was a kind of light yellow, just like his mother. He grew to look like a slightly larger version of her, except with really big eyes.

The vet called the color butterscotch. We called them sand cats.

Lacy and Frank lived in Lawrence for about eight years, moving from apartment to apartment and roommate to roommate until the day came when the landlord said "no pets."

Lacy sent Frank home with us and started looking for a place to buy so that he and Frank would have a permanent home.

Lacy will surely find that permanent home but Frank, the big-eyed butterscotch cat he loved so much, won't get to join him.

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@nwkans.com

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Letters will not be censored, but will be read and edited for form and style, clarity, length and legality.

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@nwkans.com

State award-winning newspaper, General Excellence, Design & Layout, Columns, Editorial Writing, Sports Columns, News, Photography. Official newspaper of Thomas County, Colby, Brewster and Rexford.

Sharon Friedlander - Publisher
sfriedlander@nwkans.com

NEWS

News Editor

colby.editor@nwkans.com

Kayla Cornett - Sports Reporter
colby.sports@nwkans.com

Marian Ballard - Copy Editor
mballard@nwkans.com

Christina Beringer - Society Reporter
colby.society@nwkans.com

ADVERTISING

colby.ads@nwkans.com

Kathryn Ballard

Advertising Representative
kballard@nwkans.com

Kylee Hunter - Graphic Design
khunter@nwkans.com

BUSINESS OFFICE

Kylie Freeman - Office Manager
kfreeman@nwkans.com

Evan Barnum - Systems Administrator
support@nwkans.com

NOR'WEST PRESS

Richard Westfahl - General Manager

Jim Jackson, Jim Bowker, Gary Meyer, Pressmen
Lana Westfahl, Judy McKnight, Kris McCool, Stacy Brashear,
Tracy Traxel, Mailing

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

House passes retirement bill

Last week, the House only met Monday, Tuesday and Wednesday. These were three very long days; Wednesday adjournment was not until 9 p.m.

This week the House will continue to pass legislation which will be coming from conference committees after the bills have been agreed on between the House and Senate.

Below are the bills passed last week.

The House worked on reforming the **Kansas Public Employee Retirement System**. Retirement system reform has been a legislative priority for the last two years. The legislature developed a study commission to develop a reform plan last year. The retirement system has a huge unfunded liability of over \$8 billion. This week the House passed SB 259, which will not change the plan for those currently paying into the system. However, the bill has a new option for new hires beginning Jan. 1, 2014. One of the options is a cash balance plan, which provides a contribution of 6 percent from the employee and 4 percent from the employer with a 5 percent guaranteed return.

Employees will have two choices of the plan and will be allowed six months to choose which plan works best for them. New employees will have a seven-year vesting period. Retirement age will be 65 with five years of service or 60 with 30 years of service. The other option for new employees to choose would be a defined contribution plan. The major difference is the investment return is based on market returns with no guarantee return rate – the cash balance guarantee 5 percent. This plan is much like a 401(k) plan like many private sector employers provide.

The House took action on HB 2773, which extends the authority for **school districts to use unencumbered funds** to backfill for the reduction in the base state aid per pupil. Last year the legislature passed a bill to allow schools to tap into their unencumbered funds. This will provide approximately \$156 million



Rick Billinger

• This week in Topeka

in unencumbered funds for school districts to use; 65 percent of those funds are to be expended in the classroom as defined by the Kansas State Department of Education.

Redistricting. There are no official congressional maps under consideration by the Kansas House at this time. Last week the Eisenhower B map was sent to the full House for consideration. A motion was made to replace the Eisenhower map which had concerned legislatures over the design on the big first district which spanned from the Kansas, Colorado state line east to include Wyandotte county. The amended map called Capitol 1 received sufficient votes to replace the Eisenhower B map. However, the Capitol 1 map failed to gain sufficient votes on final action Wednesday to pass out of the House. Redistricting committee members promptly began drawing new congressional map proposals to better reflect the sentiments of the House.

HB 2766 was introduced to create the **Creative Arts Industries Commission** in the Department of Commerce and dissolve the Kansas Arts Commission and the Kansas Film Commission. The new commission would be the official state program for the arts. Citizens for the Arts and Stakeholders from the Arts Foundation worked over the interim with the Brownback administration to reach an agreement on the future of arts and arts funding in Kansas; HB 2766 is the result of their compromise. I believe this a positive step forward in stabilizing the arts industry in Kansas.

Grandparents Rights. SB 262 requires the

court to consider the wishes of the parents, child and grandparent and must also review the extent of the involvement of the grandparents in the child's life. Physical and mental health of all individuals must be taken into consideration by the judge. If, for any reason, the court decides it is in the child's best interest to be placed in Social and Rehabilitation Services custody, the bill allows the grandparents who request custody of the child to still have preference in the placement of the child.

Thank you for the honor of serving you.

Rick Billinger is the state representative from the 121st District. He currently serves on the Commerce and Economic Development, Education Funding, Insurance and Local Government committees.

Where to write, call

U.S. Sen. Pat Roberts, 109 Hart Senate Office Building, Washington, D.C. 20510. (202) 224-4774
roberts.senate.gov/public/

U.S. Rep. Tim Huelskamp, 126 Cannon House Office Building, Washington, D.C. 20515. (202) 225-2715 or Fax (202) 225-5124. Web site: huelskamp.house.gov

State Sen. Ralph Ostmeier, State Capitol Building, 300 SW10th St., Room 225-E., Topeka, Kan. 66612, (785) 296-7399 ralph.ostmeier@senate.state.ks.us

State Rep. Rick Billinger, Docking Building, Room 754, Topeka Kan., 66612, (785) 296-7659 rick.billinger@house.ks.gov

Mallard Fillmore

• Bruce Tinsley

