



## Free Press Viewpoint

# Time will test judicial appointee

After the noise and the hubris pass, we'll see how Gov. Sam Brownback's selection process for state appeals judges works. It'll be a good test for when someone puts forth a constitutional amendment to apply the same change to the state Supreme Court.

The governor's plan, approved last year by the Legislature, applies so far only to nominees to the state Court of Appeals. No one is under any illusions, however, that the high court will not be the next target for change.

Conservatives have been more than disgusted with the old process, adopted in the 1950s after the infamous "triple play" pulled off by former Gov. Fred Hall, who arranged his own appointment to the Supreme Court after losing the Republican primary for re-election.

The process eliminated that sort of high jinx, but it put control in the choices in the hands of a small group of lawyers. These people have produced judges mostly cut from the same cloth over the last half century. Few, if any, were conservative; most, like those making the selections, were from the "moderate" faction of the Republican party.

The new process is straightforward, more or less copied from the procedure used under the federal Constitution: The governor appoints whomever he desires, and the state Senate gets to confirm (or not) the appointments, giving elected representatives of the people some say.

Remember, before the "modernization," voters got to elect judges to statewide office, including the Supreme Court. The changes may have cut the governor out, but they also eliminated any say for voters in choosing judges. Sure, we get to vote yes or no on "retention" every few years, and could kick a judge out of office, but that's never happened. Voters likely would remove a judge only for grievous cause.

The new system actually promises a greater diversity in the views of judges, as governors change and each one contributes to the process. Sam Brownback, after all, won't be governor forever. The Senate will have a chance to eliminate any obviously poor choice, and could block any shady maneuvers.

Democratic governors likely will appoint more liberal members of their own party to the bench, as would "moderate" Republicans. History shows us we're likely to see men and women with many views occupy the governor's office over the decades.

Right now, the only people who are complaining about the new system are the groups that held the power up until now, the lawyers (to some extent) and the bunch that got to name all the judges without any public say.

So we'll see how it goes. The governor has a responsibility to all Kansans to pick wise and thoughtful judges, whatever their personal views. We should expect that.

A system copied from the U.S. Constitution can't be all that bad, and giving the voters and the elected representatives more say can't be a terrible thing, in theory anyway. Let's see how it actually works. — Steve Haynes

## Write us

The Colby Free Press encourages Letters to the Editor on any topic of general interest. Letters should be brief, clear and to the point. They must be signed and carry the address and phone number of the author.

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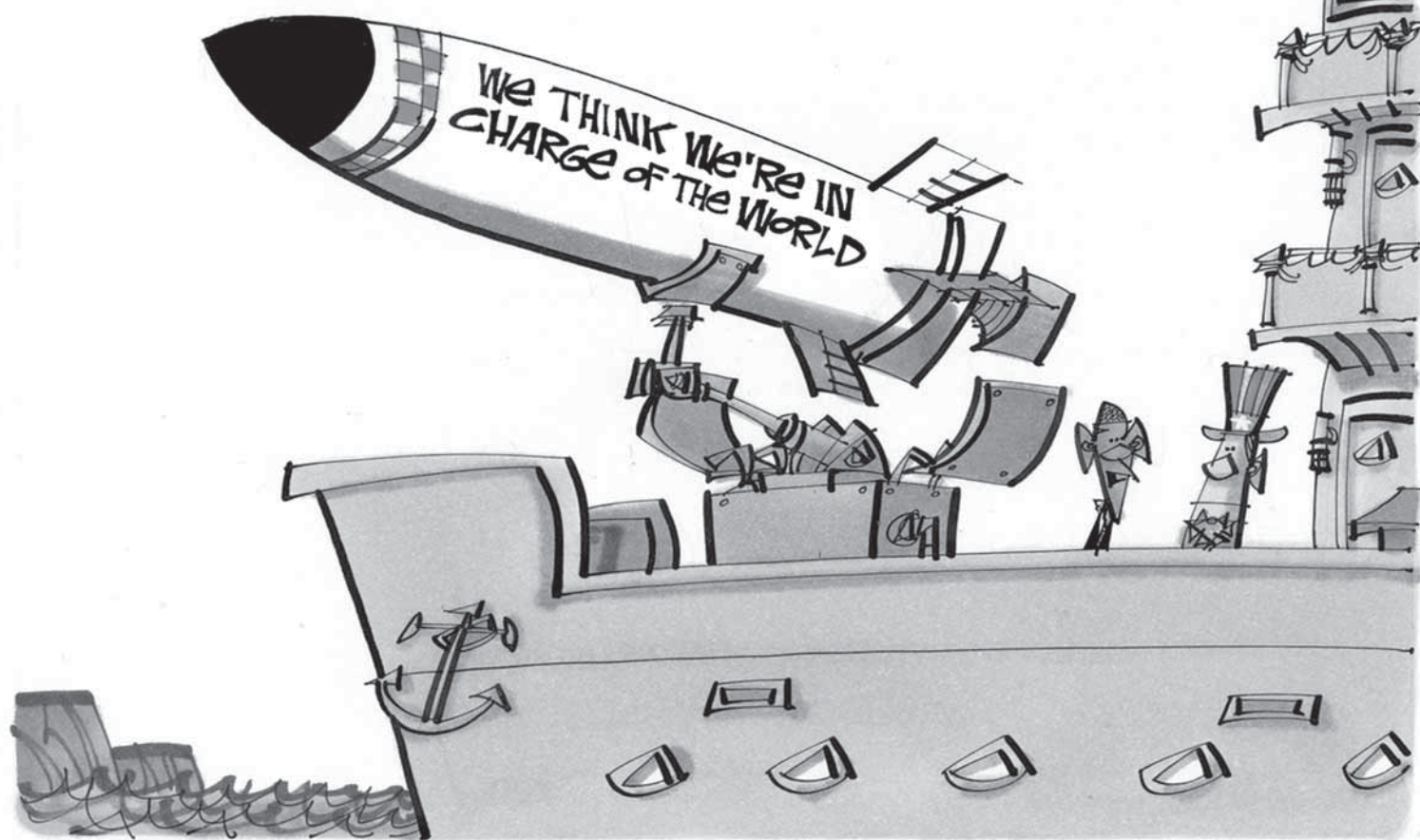
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"AN ATTACK ON SYRIA WOULD SEND EVERYONE A MESSAGE."

# Good neighbors worth having

It was Sunday morning, and we were headed for church, but the neighbor's children, who should also have been on their way to Sunday school, were lingering on the sidewalk outside our house.

As we pulled out of the driveway and into the alley, we stopped to say hi and see if there was a problem, or if they just weren't in any hurry to get to church.

They pointed to the street in front of our house, where two little dust-mop dogs were happily romping in the middle of the road.

"Aren't those the Browns' dogs," the children asked with concern.

Well, since those same cute little dust mops greet us from the fenced-in back yard most mornings as we leave for work, our guess was yes, they're the Browns' dogs and they were definitely not where they were supposed to be.

But before we could pull over and start to round up the errant pooches, the neighbors across the street were already swooping up the happy pair and walking them back home.

"It's all right, she said. "We've got them. We'll get them home."

It's nice to live in an area where people not



**Cynthia Haynes**

• Open Season

only care about each other's children and safety, but their dogs, too. It's nice to know that a whole lot of people have your back.

This is most apparent at the county fair, where there are more grandparents per child than you can shake a stick at. Some nights, there are people out there acting as grandparents and watching over the little ones who have never had children. There they are, helping make sure the kids are safe and having a good time.

A second instance of neighborliness came our way this week when we got a call at the office that one of our employees, who had left for the weekend, had left their front door open.

Their neighbor knew that they were gone and was worried about their property.

We suggested a quick check to see that the place looked untouched and then for them to close the door. If there had been any obvious damage or missing property — gee, didn't they used to have a really big television over there? — the neighbors would have called the police.

When we leave town, the Browns on one side and Peggy on the other keep an eye on things. If a moving van suddenly pulled up and started loading, the police would definitely know about it right away.

In Colorado, Jay and Betty have been our neighbors for more than 30 years. When the fire came this spring, Jay got the water turned on at our place and started to wet down the yard in case any sparks blew in.

It's good to have neighbors you can talk with across the back fence, or the side fence on the street. Better to know they are keeping an eye out for you.

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

# Why OK shrapnel, prohibit chemicals?

Why do we accept the invention of Major-General Shrapnel but prohibit the use of chemical weapons?

John Burdon Sanderson Haldane posed this question in 1925 in "Callinicus: A Defence of Chemical Warfare."

Haldane had both the scientific knowledge and the wartime experience to defend chemical warfare. His father was a professor of respiratory physiology. When John Scott Haldane was called to the scene of a coal mine accident, he took along young J.B.S. who learned firsthand how science could save lives and ignorance could cost lives. J.B.S. Haldane became a brilliant biologist, proposing the Oparin-Haldane hypothesis for the chemical evolution of early life and pioneering evolutionary genetics.

Before World War II, when a British submarine sank on its maiden voyage, it was Haldane who volunteered to conduct tests for an escape system. In characteristic fashion, only he would be the test subject for the highest pressure, highest carbon dioxide, and lowest oxygen levels — signaling just before he passed out — and they would pull him unconscious from the pressure chamber. Physiologists still refer to experiments where the researcher participates in risks as "Haldane experiments."

It was a younger Haldane who wrote Callinicus, fresh from his service in World War I where he observed the effects of gas warfare. As a fresh college graduate, he served in the Black Watch (Royal Highland Regiment) and led raids behind enemy lines. On April 2, 1915, the Germans first used poison-gas warfare and the British eventually responded in kind. In Callinicus, Haldane explains how over 25 different chemical agents were used on the battlefield.

In the Argonne, the Germans shelled 2,400 unprotected French troops with tear gas. German soldiers in goggles merely walked across the battlefield, disarmed the temporarily blinded French soldiers in their trenches, formed them into columns, and led them back — "almost all unwounded." This he clearly saw as



**John Richard Schrock**

• Education Frontlines

an effective use of tear gas in warfare. Yet this would be "illegal" today based on the Chemical Weapons Convention in the Hague. Haldane points out the dilemma: tear gas is chemical warfare. And so is the pepper spray a woman can carry in her purse. While these agents are distressing but not fatal, others graduate up to the fatal chemicals countries stockpile.

More-lethal gases were used in World War I. Haldane compared the distress, pain and lasting effects of gas and conventional weapons. "Apart, however, from the extreme terror and agitation produced by the gassing of uneducated people, I regard the type of wound produced by the average (conventional) shells as, on the whole, more distressing .... Besides being wounded, I have been buried alive and ... asphyxiated to the point of unconsciousness. The pain and discomfort arising from the other (chemical) experiences were utterly negligible compared with those produced by a good septic shell-wound."

Haldane asks why people find chemical weapons bad but ignore the devastation of conventional weapons? While mustard gas is a terrible blistering agent, does it cause more suffering than the Flammenwerfer (flame-throwers)? Haldane did not live to see modern nerve gases such as VX and Serin, but he would have been quick to point out that they may be far more rapid and merciful than napalm or the firestorms that result from massive incendiary bombing.

"If, then, in future wars we are to avoid gross mismanagement in high places, and panic and stupidity among the masses, it is essential that everyone should learn a little elementary science ... of the working of their own bodies."

And "the objection to scientific weapons such as the gases of the late war ... is essentially an objection to the unknown...." The bottom line is that our citizenry is scientifically illiterate and fear drives our policies.

Haldane would be dismissive of our demonizing of chemical, biological and nuclear weapons as "weapons of mass destruction." He pointed out: "I need hardly remark that future governments will not enter on war without first persuading the vast majority of the people of its justice. This appears to be a relatively simple process under modern conditions."

Why are we outraged today at perhaps 1,400 women, children and innocent civilians dying from chemical gas but not outraged by the over 100,000 (U.N. estimate, July 2013) women, children and civilian deaths by conventional weapons in the Syrian civil war? Does outrage over one form of supposedly "bad" warfare justify our afflicting even more pain, suffering and death using another mode of supposedly "good" warfare?

Haldane concludes: "If it is right for me to fight my enemy with a sword, it is right for me to fight him with mustard gas; if the one is wrong, so is the other." This remains a powerful statement from a scientist who intimately understood the effects of gas warfare and was not a pacifist.

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.

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## Mallard Fillmore

• Bruce Tinsley

