

commentary

from other pens...

Andrew Mellon founds National Gallery of Art

Stepping off his private elevator on the floor below his own princely apartment, financier Andrew Mellon entered a world of artistic genius. For several months in 1936, Mellon, 81 and frail, exercised viewing rights over one of the most distinguished collections of Old Master art assembled for sale anywhere in the world.

Works of art from the Italian Renaissance and earlier had been installed by Lord Joseph Duveen, an eminent and aggressive London dealer who knew the ways and means of American millionaires.

Mellon was assembling the collection that would become the nucleus of the National Gallery of Art. Duveen knew his Italian paintings and sculptures were obvious choices.

"Every day, Mr. Mellon would spend an hour or two looking at them," recalled David Finley, who was the gallery's first director. "Of the 30 paintings he decided to buy 24; of the 21 sculptures, 18."

The art in this sale included masterpieces by Botticelli and Agnolo Gaddi among the painters and Andrea della Robbia among the sculptors.

It was Mellon's plan that the master works he was assembling would be housed in a building he would erect. Mellon hoped his generosity would attract further gifts of art of the highest quality, transforming the gallery in downtown Washington into a world-class institution.

There was a complication: Mellon, a former treasury secretary and ambassador to Britain, stood accused of tax fraud. Many in the Roosevelt administration saw the Republican tycoon as an emblem of the entrenched rich and of policies that had brought on the Great Depression.

The financier's supporters saw a vendetta against an innocent man.

A staunch conservative who had made his fortune in banking, aluminum, oil and coal, Mellon had been methodically building his art collection for years. The collector's grand coup came in 1930 and 1931 when his agents bought 21 paintings from the Hermitage Museum in St. Petersburg, Russia. They included Raphael's "Alba Madonna" and Van Eyck's "Annunciation." All had been ordered sold by the Soviet Union's cash-strapped communist government.

The tax case remained a live issue at the end of 1936 when Mellon made his overture to President Franklin D. Roosevelt, stipulating that as a national institution the gallery not bear his name. Roosevelt proved warmly receptive. Ground was broken at a site on the National Mall in 1937; Mellon died later the same year.

Mellon's son, Paul, saw the building through to completion, thus beginning a lifelong association with the gallery. The tax prosecution was concluded and Mellon was exonerated after his death. The Mellon family insisted no deal had been struck.

In his dedication speech on March 17, 1941, Roosevelt called the collection's paintings and sculptures "symbols of the human spirit," a spirit menaced by the rise of fascism.

Great works of art, he said, "belong so obviously to all who love them — they are clearly the property not of their single owners but of all men everywhere — that the private rooms and houses where they are hung become in time too narrow for their presence."

As a national institution, the National Gallery of Art attracted the other private donors Mellon had hoped for. With their collections and the sustained generosity of Paul Mellon and his sister, Alisa Mellon Bruce, the collections and exhibition space have grown over the last 60 years.

The art Andrew Mellon chose in the viewing space Lord Duveen shrewdly provided is now part of a collection of more than 106,000 works. It includes more than 3,200 paintings, more than 2,500 sculptures and thousands of prints, drawings, watercolors and photographs.

The gallery's East Building opened in 1978. An outdoor sculpture garden opened in 1999. New ground floor galleries are under construction.

Mellon was once asked what led him to collect great art.

"Every man wants to connect his life with something he thinks is eternal," he replied.

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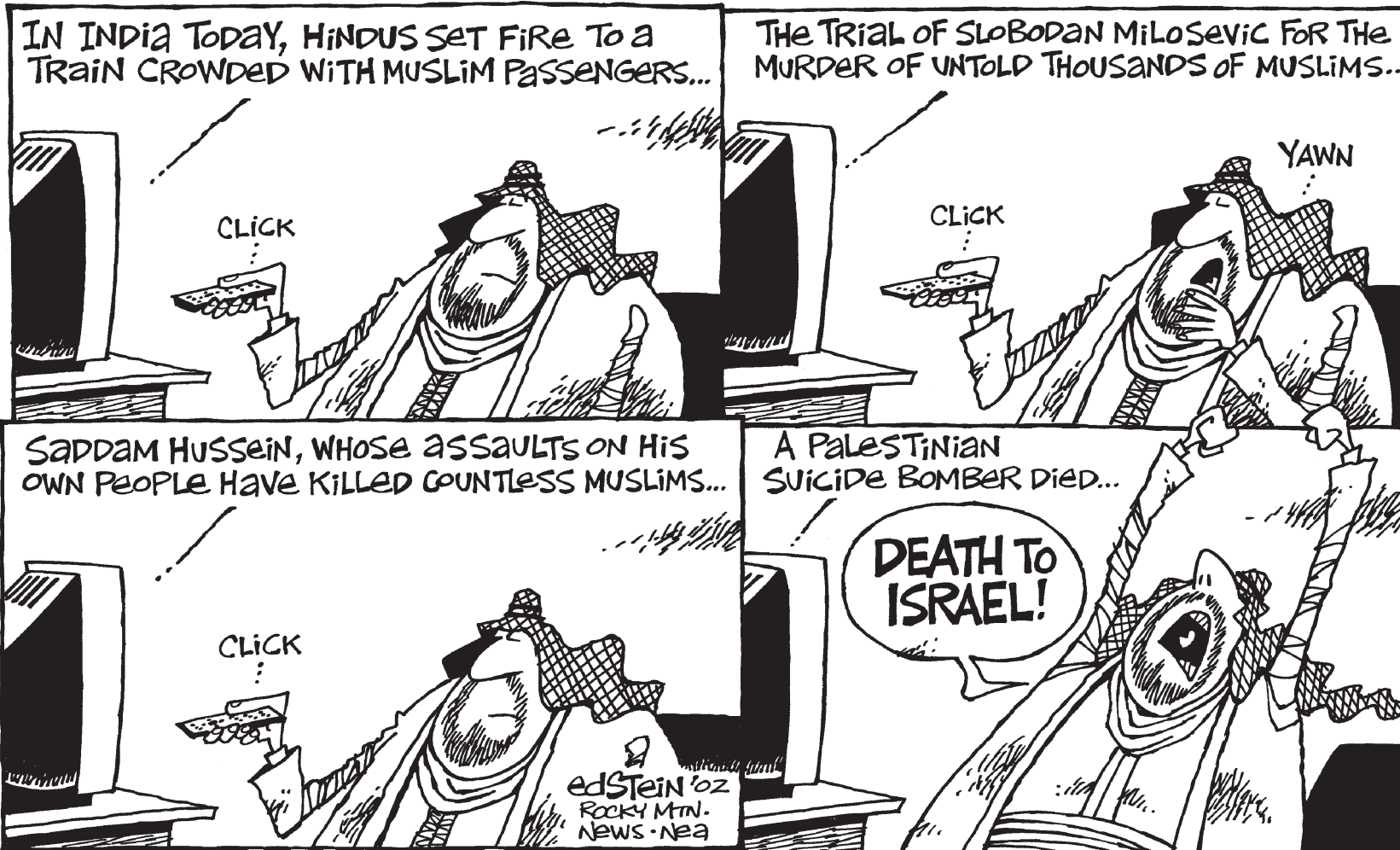
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Recycling feels good, everyone should try it

Watching what you throw away can surprise you. And when you take the recyclables out of the trash, that bag seems much lighter to haul to the dumpster.

We are glad to see the city making an attempt to make the dumpster system work. One question being asked is, "Why does this system work in so many cities across the country, but doesn't seem to work in Goodland?"

Part of the answer is that things like recycling and paying attention to what is supposed to go into the dumpsters and what is not has not been a community priority. Without the continued effort to keep it in people's minds, we tend to forget the simple basics and fall back to the "it is not convenient, and I don't want to be bothered."

To most of us, it is a change in routine to stop and rinse out a can or glass bottle rather than simply tossing it into the trash. We are creatures of habit, and it takes real effort to create a new habit. But experts say you can learn any habit if you concentrate on it for at least three weeks. Repeating the same activity over the three weeks will change you and establish the new pattern as normal.

When the recycle containers showed up, I started looking at what I could add to the collection. The first week, I found a stack of newspapers we had been saving, and about 10 tin and aluminum cans. The second week, more newspaper, and I added some of the letters and stuff we get that can be re-



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cycled as well. There were also a few more cans. The third week, I hit the mother load and in addition to the paper I had three clear glass bottles and four brown ones.

At the end of each week, I found the sack of trash I hauled to the dumpster getting lighter without all the extra weight of the paper, cans and bottles.

Sure, that is one person's stuff over three weeks, but if everybody followed the same routine, we could see the amount of recycled material boom while the amount taken to the transfer station and finally buried in the landfill would drop.

There is no doubt the best thing that can happen will be establishment of a system to recycle cardboard, because that is an extremely expensive item to be hauling to the landfill.

If you see a petition in a local business asking you to support a cardboard recycling program, sign up. If you want to know more about cardboard recycling plan and grant request, contact the county clerk's office.

The city effort will kick into high gear in the next

Court's budget order alters balance of power

TOPEKA — With a two-page document, the Kansas Supreme Court altered the balance of power in state government.

The court declared last week that it had the authority — the "inherent power" — to look after its financial affairs, then raised court fees to solve the judicial branch's budget problems. An order signed by Chief Justice Kay McFarland bypassed the Legislature and Gov. Bill Graves, raising filing fees by \$5 and marriage license fees by \$25.

After decades of deferring to the legislative and executive branches on budget matters, the judicial branch asserted itself. It reserved for itself the right to have a significant say in the financial resources available to it.

"This may open up a Pandora's box," said Rep. Rocky Nichols, D-Topeka, a member of the House Appropriations Committee.

Even legislators who question the validity of the Supreme Court's order understood why McFarland and her colleagues acted. Years of financial frustration pushed the court to take matters into its own hands.

For at least a decade, the judicial branch has seen the growth of its caseload outpace increases in its funding. Holding staff vacancies open for two or three months became the norm; last year, McFarland suffered the indignity for several months of being the only chief justice in the nation without a research attorney.

Payroll consumes about 97 percent of the judiciary's budget, leaving few good alternatives for reducing costs.

Without an extra appropriation of \$600,000 for its current budget, the Supreme Court planned to close all court offices for three business days before June 30. And McFarland warned Graves' proposed \$81.2 million budget for the next fiscal year would leave the courts \$3.5 million short of meeting payroll and covering basic operating expenses.

By last week the Senate already had approved the supplemental appropriation for the current budget, but relief for the next fiscal year appeared unlikely. House members have rejected numerous



john hanna

• ap news analysis

tax-raising proposals, even though the state faces a \$679 million gap between expected revenues and required spending over the next 15 months.

For years, the Supreme Court has sent a proposed budget to the governor's staff, often seeing a reduced version submitted to legislators. For years, chief justices lobbied for money.

"The Legislature treats the judicial system like an executive branch agency, and it's not," said Rep. Mike O'Neal, chairman of the House Judiciary Committee.

Deference to the Legislature's power to write laws is a staple of Supreme Court decisions. With previous budget problems, the Supreme Court has complained but adhered to a tradition of asking the Legislature to approve fee increases and allowing lawmakers to control spending.

"It's sad that we have forced them to use their inherent power," said O'Neal, R-Hutchinson. "The court has been very good about resisting that temptation."

Legislators who question the court's action point to Article 2, Section 24 of the Kansas Constitution: "No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law."

They also cite Article 11, Section 5: "No tax shall be levied except in pursuance of a law."

Now, some contend the higher fees imposed by the court are tantamount to a new or increased tax.

"The court doesn't have the authority to tax," said Rep. Tony Powell, R-Wichita, an attorney. He added a warning: "I do not think the Supreme Court wants a showdown with the Legislature."

Yet a showdown with government's other branches is not inevitable.

Attorney General Carla Stovall does not plan to

few days as the crew prepares to drop a bag of information about the trash collection system, recycling and yard waste at every home. The hope is that people who are armed with the knowledge of what they should be doing will make an effort to help make the dumpster system work.

Keeping recyclable material and yard waste out of the dumpsters can save the city and the county money, which then means there will be no more increases in the fees either for the city collection or for the county.

The new recycling containers have been in place for about a month, and it looks like many Sherman County citizens are finding them.

Most of what is being collected is paper. That makes sense because paper makes up nearly 40 percent of all the trash we throw away. The paper containers on Seventh Street near Rasure Lumber are getting filled pretty well every week, and so is the paper container east of the city shop on Arcade and 17th. The container at Wal-Mart is not usually full, which seems surprising because of the number of people who go there to shop.

The tin and aluminum containers are doing fairly well, but are not filling as fast as might be expected. The brown glass and clear glass containers are slowly filling up, but there are a lot of empty brown glass bottles littering our streets and roadways. It would be better if the people throwing those out would just slip them into the recycle containers.

challenge the Supreme Court order, spokesman Mark Ohlemeyer said.

"Our position is that we believe, with the separation of powers, this is within their right to do," he said.

And Senate Judiciary Committee Chairman John Vratil, R-Leawood, said: "I'm glad to see the courts take some action to meet their financial needs."

Even if some legislators want to challenge the Supreme Court, they're not sure how to go about it.

Powell suggested raising a civil rights issue — whether the fee increases deny poor Kansans access to the courts — in federal court.

Others note that McFarland and her colleagues decide questions about Kansas government and interpret the state constitution.

What's clear is the court is exerting control over its budget instead of letting the Legislature limit the judicial branch's spending. If this year's order stands, it can be the basis for similar — and perhaps more aggressive — action in the future.

"I think if the court believes it has the power to do it, it has the power to do it," Vratil said.

EDITOR'S NOTE: Correspondent John Hanna has covered state government and politics since 1987.

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