

commentary

from other pens...

Write-in votes urged for education board

The Iola Register on Board of Education race:

A campaign should be organized to re-elect Val DeFever of Independence and Sonny Rundell of Syracuse to their State Board of Education seats by writing in their names on the general election ballot in November.

DeFever and Rundell, both Republican moderates, were defeated in the primary by candidates from the religious right. ...

No Democrat filed for either seat so Iris Van Meter of Thayer and Connie Morris of St. Francis will be elected by default — unless enough moderate Republicans and Democrats take the trouble to write in the names of DeFever and Rundell on Nov. 5. ...

Val DeFever was defeated with a vicious smear campaign. ...

Just days before the election, a mailing went out informing voters that DeFever was supported by the American Atheist Organization and left the impression that DeFever, herself, was an atheist.

DeFever had no time to publicize a letter from her Presbyterian pastor testifying to her faith. ...

(Van Meter) is running because her son, Kris Van Meteren, asked her to. Van Meteren ... is executive director of the Kansas Republican Assembly. ...

Van Meteren needed a religious conservative to run on the Assembly platform and mom was all he could find. ...

Kansas voters will have a second chance on Nov. 5 to keep (DeFever) at the job of making Kansas schools better — and to keep Kansas from becoming a laughing stock of the literate world again.

The Hays Daily News on no-call list:

Telemarketers should take notice: Kansans don't want to hear from you.

State officials are surprised at how suddenly popular the new state no-call list is. In its first week of activation, more than 188,000 phone numbers were registered to avoid pesky calls from telemarketers. ...

People have complained about telemarketers for years. We joke about how best to cut them off, admiring clever approaches and even the simple but seemingly rude approach — hanging up.

But telemarketers can be rude themselves. They generally have not heeded the golden rule and considered, for example, that people do not want to be interrupted at dinner time. ...

No more. The telemarketing industry seems on the verge of collapsing on itself. Companies that rely on telemarketing for sales will need to be prepared to develop other sales channels. ...

Surely an attack on e-mail spam will be next. People can tolerate a little of something. But spam, like telemarketing, became annoying and now is aggravating.

Kansas' new no-call system seems like it will be workable. The key will be in enforcement.

The state also will need to be careful about making exceptions to certain industries and businesses. Already political and charitable organizations are exempted, the political being potentially a questionable exception. ...

That such telemarketing legislation is necessary is unfortunate. A simple rule that telemarketers would comply when someone says no, don't call me again, would seem to be a simpler fix. But we suppose no one believes that would work.

Letter Policy

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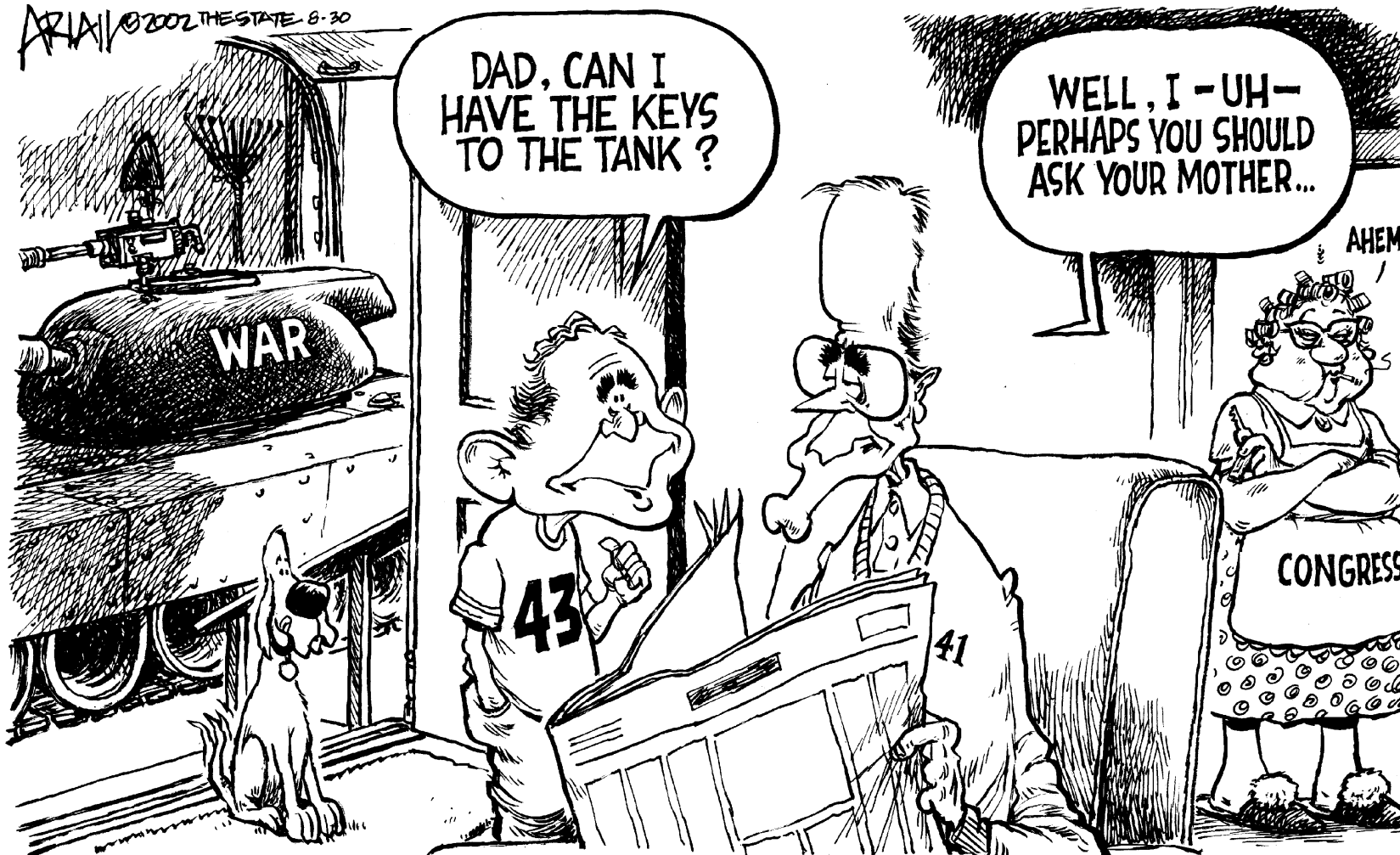
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Three-day cancellation may not apply at fair

Dear Attorney General Stovall:

I recently spoke to a friend of mine who sells cosmetic products at a booth at the Kansas State Fair. In the course of our conversation, she mentioned that the three-day right to cancel does not apply to sales made at the State Fair. I find this hard to believe because the three-day right to cancel applies to any sale made away from the seller's place of business, such as a door-to-door sale. She said that the law was changed a few years ago to exclude the State Fair from this rule. Attorney General Stovall, is this true?

Dear Kansas Consumer:

Your friend is correct insofar as state law is concerned. Sales made at the Kansas State Fair are excluded by Kansas statute from the door-to-door sales rule. To qualify for this exemption, the vendor making the sale must be authorized by State Fair management to do business on the state fair grounds.

If you sign a contract with the vendor which gives you a buyer's right to cancel within three



**carla j.
stovall**

• consumer corner

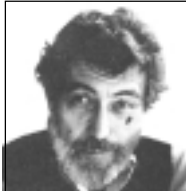
days, you would still have that contractual right to cancel the transaction. However, there must be a contract that states this, and many sales made at the State Fair do not involve such a contract term.

It is always important to consider your decision to make a purchase carefully and to avoid buying anything on a whim. In most cases, sales made at places other than the vendor's regular place of business may be canceled within three days.

As mentioned previously, this state law does not apply to authorized vendors at the Kansas State Fair.

However, unless the purchase falls within the definition of "arts or crafts," there is a federal three-

Sept. 11: Will we stay free?



**nat
hentoff**

• commentary

In my neighborhood near the World Trade Center, for weeks after the horrifying terrorist attacks, there were letters, posters and photographs of the missing on the walls of stores, apartment buildings and any available space. These postings pleaded for any information about their whereabouts. But as we now know, nearly all were permanently missing.

Whenever I see mention of Sept. 11, I see again those desperate messages and remember what Colin Powell said soon after the murderous attack, calling it "a war against civilization." The killers' ardent goal is to return the world to the darkest of the dark ages, where there is no sanctity of life, no individual freedom of conscience and no freedom of speech.

On Sept. 11, and since, the immediate target of these defilers of the letter and spirit of liberty has been the United States. To them, we — in the oldest, actually functioning constitutional democracy in the history of the world — are the very embodiment of their Satan.

In our war of survival against these terrorists, with the fate of many other nations also at stake, our leaders have been pledging for the past year that everything they are doing to safeguard our security, and our very lives, is being done "within the bounds of the Constitution."

But citizens across the political spectrum are becoming increasingly fearful that the Bush administration — with the compliant bipartisan silence of most of the congressional leadership — is, however well-intentioned, unwittingly subverting our very fundamental American liberties.

Under the USA Patriotic Act, we are subjected to unprecedentedly extensive electronic surveillance — on and off the Internet — with minimal judicial review. The FBI now has the power to track every keystroke a person under suspicion makes

on a computer. And the FBI can now compel librarians and bookstore owners to reveal the names of books bought and borrowed by Americans who might be, under exceedingly loose definitions, involved in domestic terrorism.

Even now, two American citizens are being held incommunicado in military prisons in the United States without any charges against them and without access to lawyers. Federal judges are being told by the Justice Department that the judges do not have any right to determine whether due process — fairness, the core of our system of justice — is being accorded these prisoners.

The administration insists that these American citizens, Yaser Esam Hamdi and Jose Padilla, can be held indefinitely. As Harvard University law professor Lawrence Tribe said on ABC TV's "Nightline": "The executive branch is taking the amazing position that, just on the president's say so, any American citizen can be picked up, not just in Afghanistan, but ... on the streets of any city in this country ... just because the government says he's connected somehow with the Taliban or Al Qaeda. ... That's not the American way. It's not the constitutional way."

Worse yet, as the Aug. 8 Wall Street Journal reported, Ashcroft is planning to set up camps for more "enemy combatants" who also will be held without charges or meaningful access to the courts. A high-level committee will advise Ashcroft on which of us will be deprived of our constitutional rights indefinitely. And, according to Georgetown

day "cooling off" period that still applies. If you cancel your purchase within the three days, the seller has: 10 days to cancel and return any promissory note or other negotiable instrument you signed; refund all of your money; tell you whether any product you still have will be picked up; and return any trade-in. Within 20 days, the seller must either take possession of the items left with you or reimburse you for the mailing expenses if you agree to send back the items.

Attorney General Carla J. Stovall offers this public service to help you avoid becoming a victim of consumer fraud. Although some of the details have been changed, the cases appearing in this column are based on actual complaints. For further information or to file a complaint, please write Attorney General Carla J. Stovall, Consumer Protection Division, 120 SW 10th, 2nd Floor, Topeka, Kansas 66612, or call the toll-free Consumer Hotline, 1-800-432-2310. Leave your name, number and subject of your inquiry with the receptionist and your call will be returned promptly.

University law professor Jonathan Turley in the Los Angeles Times, the attorney general "hopes to [go further and] use his self-made 'enemy combatant' stamp for any citizen he deems to be part of a wider terrorist conspiracy." The Justice Department has told Turley it will not deny The Wall Street Journal's story.

But more and more American citizens, including more and more conservatives, are rising in concern about what is happening to the Bill of Rights. Teachers, retirees, lawyers, students and doctors are forming Bill of Rights Defense Committees. Started last February in Northampton, Mass., at least 30 towns and cities across the country now have such committees, which alert their neighbors and their representatives in Congress of the need to reign in Ashcroft, his legal advisers and the president, who gives them unqualified support.

In Ann Arbor, Mich., City Councilwoman Heidi Herrell tells ABC News Online: "At times like these, I think our constitutional rights are even more important. There have been times when we relaxed these things — the McCarthy Era, the 1960s civil rights struggle and the detention of Japanese-Americans in World War II. We look back at those times with shame. ... I think this will be another time we look back with shame. That's what I fear."

So do I.

In the Federalist Papers, James Madison warned that "the accumulation of powers" in only one branch of government is "the very definition of tyranny." Is that what we're fighting for on the anniversary of Sept. 11?

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights.

berry's world

