

commentary

from our viewpoint...

Keeping session short excellent suggestion

Maybe somebody in Topeka is listening. At least, legislators are starting to talk, after last year's awful marathon, about shortening the session. The Legislature is supposed to meet for no more than 90 days, including the wrap-up and veto sessions. In practice, though, the session has been getting longer. Last year, with a tight budget and nothing to fill the holes with, the members set a record at 107 days. They still didn't get the budget right, and the governor has been cutting ever since.

It's a far cry from the days when the Legislature met for a couple of months every other year.

Not much gets done in the first two months of the session. The Legislature convenes in January and by the time everyone is ready to get down to business, it's March.

Major issues already have been hashed out in "interim" committees between sessions, but hundreds of bills go into the hopper at the first of the year. Few move before the deadline.

Then, at the end of the session, there's still all the important stuff — the budget, taxes, major decisions about how to run the state — left to agree on. Most of that is done at the last minute, and it really doesn't make any difference when the session starts — or ends.

We've maintained for years that the whole thing would run better if legislators had less time to fool around. The session should be cut to 60 days, with tight deadlines, and no room for late bills.

To be sure that the members know we mean business, we'd limit their pay and expenses to 60 days. After that, they'd be on their own time.

And we're willing to bet that if the paychecks stopped coming, the Legislature could be finished with its business in 60 days.

Some things wouldn't change. The big decisions on budgets, schools and the like would still be made at the last moment.

But we taxpayers wouldn't be paying extra for all the mad dashing about. Not if it was after the session was supposed to be over.

And we'd save a lot of money just by cutting expenses off earlier.

Let's hope this study doesn't die before it gets a look. — *Steve Haynes*

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Signs that I'm getting older

I don't know about you, but I'm getting older every day.

Things I used to do without even blinking on eye are now too tiring to even consider. I used to be able to work all day, go out dancing or rehearse for a Little Theatre play until midnight, and get up and go to work again for several days in a row.

Those days are gone. One day of that schedule can set me back for a week! It's getting so I'm satisfied if I accomplish even one big thing a day.

Yesterday I had a particularly long day, full of responsibilities. About half way through the day, someone asked if I were feeling all right — that I seemed down. I felt sure that person was right.

All the preparations that go into a day like that take their toll even before the plan is executed. But hearing I was physically fading before even half the agenda was completed made me particularly leery of a successful completion.

Now I want you to know I realize the power of mind over matter.

I know my attitude affects performance. I know negativity can sabotage positive thinking and planning. But I also know a remark can be the beginning of a downhill slide.



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I pushed myself into discounting the other person's observation and determined to get through it all successfully. I forgot to ask for God's strength; I fell into humanity's old trap of trying to do it alone. People I had counted on let me down, but I and others took up the slack.

The day went by. Only one more meeting to go, but it was the longest one. I knew I was pushing my endurance. But once again, God came through — even though I had been too busy to ask for God's help.

The last responsibility was to lead a 2 1/2 hour Bible study. Starting out slowly, I asked someone else to pray for the session, and we began. The friend came through for me by asking God's blessing on all persons there, that we might be open to wisdom and insight.

As we discussed our week's reading together, I

became energized. As I soaked in their insights, their eagerness and their wisdom, I admonished myself for my day's attitude of independence. No matter how strong we are, we can't do it alone. We need the help and support of people around us, just as they need ours. Together, in the right Spirit, we are God at work in the world.

I love to teach. I love to learn from others. We are not made to be alone. That's wearisome and tiring. It drains away energy and productivity.

We begin to see opportunity as obligation, responsibility as drudgery, blessings as burdens. Even though I had been "doing God's work" all day, I particularly needed that Bible Study.

The lesson I learned yesterday (again!) is that I am sustained by a loving God and by the creatures God created. I had allowed a beautiful day filled with opportunities to become plodding and the disappointments to be overwhelming when I failed to view them with joy. What I needed was to look for help and the answers to my doubts and questions in God's Word and in God's people. And when I did, the world became brighter and my load was lighter.

Thank you, God, for your faithfulness. Don't give up on me!

Picking judges by polls?

A Sept. 29 lead editorial in the increasingly trendy New York Times unwittingly revealed the contempt held for the independence of the federal judiciary, not only by members of the Senate Judiciary Committee, but also by segments of the media.

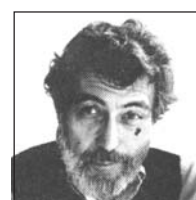
In fervently urging the committee to reject the nomination of Michael McConnell to the 10th Circuit Court of Appeals, the editorial flatly declared that in voting for presidential nominees to the courts, the senators must be certain that the nominees' "judicial philosophies will take the country in the right direction."

According to whose definition of "the right direction?" The New York Times'? Even more astonishingly, the editorial insists that the Senate must determine "whether the nominee's views on substantive legal matters are consistent with the nation's needs."

Which needs, and at what point in our history? In 1954, when the Supreme Court decided, in *Brown v. Board of Education*, that segregated public schools were unconstitutional, a majority of Americans did not consider integrated public schools a national need. Many were furious.

How would The New York Times measure the "nation's needs?" By polls? If so, which pollster? This method for choosing judges is very similar to that of the Senate Judiciary Committee's grand inquisitor, the Democratic senior senator from New York, Charles Schumer. He, as he said earlier this year, dismisses certain nominees as being "way out of the mainstream." Which polls does Schumer use? Or does he have a divining rod?

New York University's Brennan Center for Justice has issued a report titled "Why Litmus Tests Threaten the Integrity of Our Courts." As far as it can be categorized, the Brennan Center is a liberal



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institution. Yet, it states unequivocally that "senators seek to advance their constitutional authority by making ideological orthodoxy on controversial issues a prerequisite for judicial confirmation."

That is exactly what Schumer is doing. This is a strategy The New York Times editorially applauds. When Republicans are the majority in the Judiciary Committee, they, too, put aside judicial independence and look for prospective judges who will vote on the bench just as those senators would.

The Brennan Center is by no means pro-life, but in citing that the most common litmus test for the Senate Judiciary Committee is the nominee's position on *Roe v. Wade*, the Brennan Center points out that the pressure on the nominees is to be "proponents of ideology" rather than "impartial adjudicators of disputes."

And, a Sept. 13 Washington Post editorial on the rejection of Priscilla Owen to the Fifth Circuit Court of Appeals noted that these ideological litmus tests send a "message to the public that the confirmation process is not a principled exercise but an expression of political power. Both messages are corrosive to the ideals that must animate a first-rate judicial branch."

Also consider that, although Miguel Estrada has, after waiting 16 months, had a hearing before the Judiciary Committee on his nomination to the District of Columbia Court of Appeals, the imperious Schumer says there will not be a vote until

the committee gets all of Estrada's memoranda while he was a staff attorney in the Office of the Solicitor General. The Democratic senators want to see his recommendations on which cases the Solicitor General should appeal and the briefs it should submit to the Supreme Court.

Walter Dellinger, a Bill Clinton solicitor general and decidedly not a conservative, says, "It would be very destructive of all the purposes served by the attorney-client-privilege to have attorneys in the solicitor general's office looking over their shoulders when they write memos."

Moreover, at Estrada's hearing, the Democrats in charge of the committee actually accepted damaging reports of the nominee's views from an anonymous source. The source was not cross-examined, and Miguel Estrada could not confront his accuser.

In *Federalist Paper No. 77*, Alexander Hamilton warned against presidential nominations being decided by "a conclave, in which cabal and intrigue will have their full scope."

Both parties have distorted the judicial confirmation process by turning the "advise and consent" provision of the Constitution into the equivalent of negative campaign TV ads.

Meanwhile, will Senate Judiciary Committee Chairman Pat Leahy, D-Vt., permit a vote on Miguel Estrada's nomination before the end of this year now that a Democratic senator may vote to confirm him?

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