

# commentary

from other pens...

## Honesty is refreshing in Pretty Prairie story

**The Garden City Telegram on Pretty Prairie football team:**  
The misdeeds of children should be punished. But, it's not often that during the course of issuing punishment you pat the children on the back. Such is the case in Pretty Prairie, and it's a story that demonstrates that honesty in the face of stiff penalty is the refreshing course. ...

Football coach C.T. Young stopped practice ... and asked if any of the players ... had violated the school's substance abuse policy. If they had, they should step forward.

To his astonishment, 16 of the squad's 23 players admitted their errors. The school invoked the necessary penalty and the football season came to an abrupt and surprising end, with three games remaining on the schedule.

Violators were contrite: "He did what he had to do and he was right," said team leader Matt Graber, who had been the second to step forward behind fellow team leader Zac Wilder. "The rest of the team doesn't blame him."

Graber's misdeed was chewing tobacco, which he and his dad, who was aware of the chewing, knew was a violation. Others were guilty of drinking alcohol and smoking cigarettes.

It all ran afoul of the school's zero-tolerance policy...

In this case, however, the behavior was not only a violation of school rules, but a violation of law. It's safe to say none of the players was of legal age to drink or smoke.

That the boys stood up and acted like men in fessing up to their transgressions is an encouraging and promising element of an unhappy story. **The Iola Register on gubernatorial candidates and state economy:** "Can Kansas Afford Its Future" was the question asked by the Economic Policy Conference held Thursday at K.U.

Gov. Bill Graves turned the question into a statement: "Kansas," he said, "will live with the future it's willing to afford."

The highlight of the day-long examination of the state's economy were comments made by three former governors, John Anderson, Bill Avery, Mike Hayden, and Gov. Graves.

All four said the 2003 Legislature must cut state spending and raise taxes. ...

Kansas didn't go broke last year because it started the fiscal year with \$366 million in the bank. All but \$12 million of that was spent and, for all practical purposes, the state now has a zero bank balance. ...

Both candidates for governor have said they would increase spending on the public schools. Kathleen Sebelius said she would increase spending on higher education as provided in the higher education reform bill. Tim Shallenburger said he couldn't make that promise but didn't think it would be difficult to achieve. ...

In sum, both candidates say they can keep more than 80 percent of state spending at or above current levels and still deal with a substantial revenue shortfall without raising taxes or cutting other government services. ...

Surely, both of them know they are blowing smoke. Surely, Kansas voters know that, too, and will find other reasons for deciding which would make the best governor.

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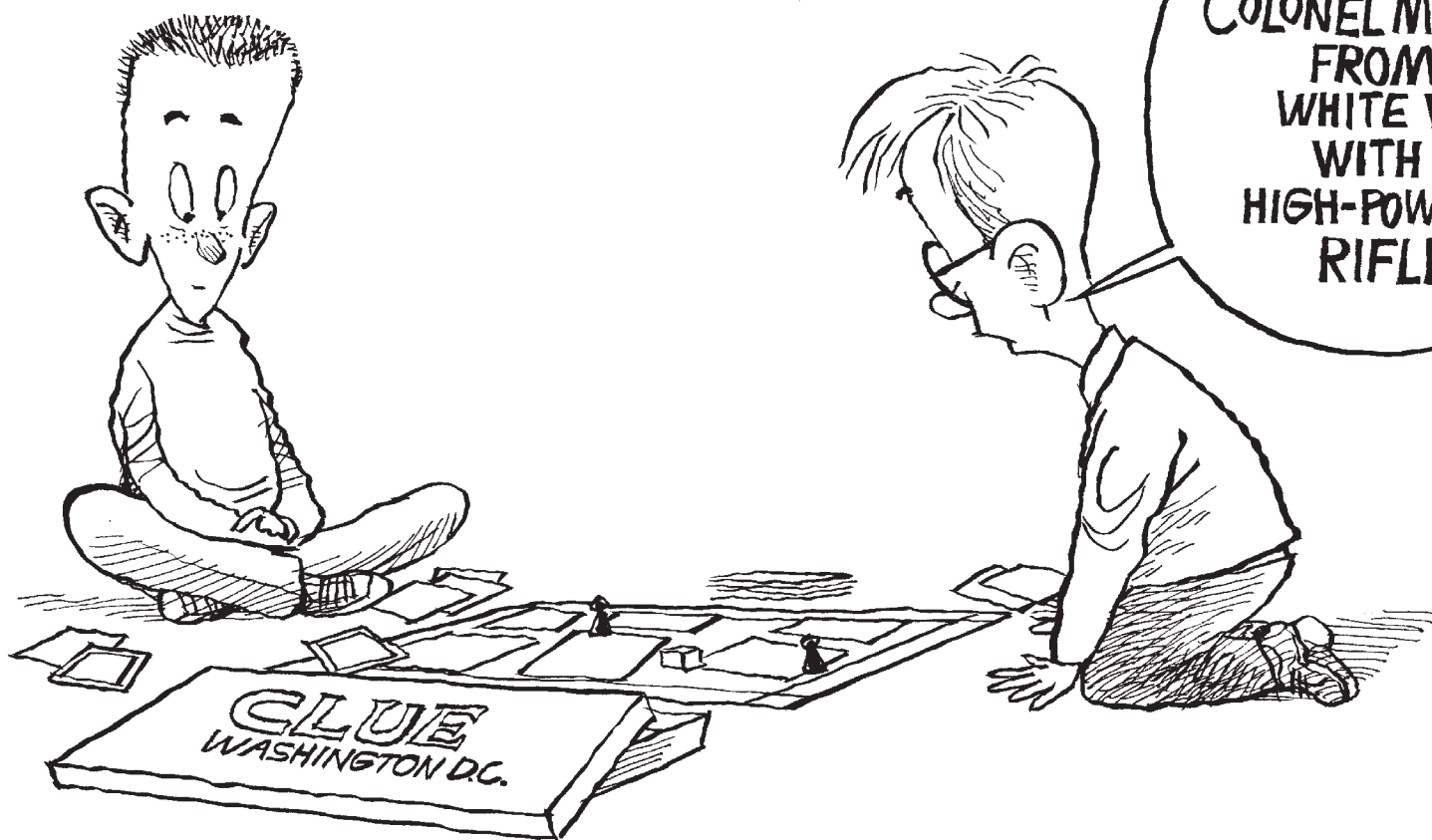
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## Hard to hide from those pesky telemarketers

You can run and you can hide, but you can't get away from them.

Telemarketers. They're everywhere.

We spent last week at our place in Colorado. It was the house we lived in when we lived and worked there. After we moved, we couldn't sell it, and eventually we realized we didn't want to sell it.

Now we go there for a week or two and unwind, and the kids go there for the summer and work at the resorts and restaurants in the area.

We have phone service. A phone came right under hot water in our list of necessities.

If there is an accident — you need a phone. If there's a problem at work — you need a phone. If you want Internet service — you need a phone. If you have a phone — you will have telemarketers.

The first was a nice young lady trying to sell me



**cynthia haynes**

• open season

the local paper:

"Thank you, have a subscription. No thank you, I just renewed in August, I don't want to extend my subscription."

She was kinda nervous; not the slick spiel you get from most of these guys. I thanked her for calling and wished her good luck.

I really meant the good luck part. The folks who bought that paper still owe me money. I want them to do well.

The next caller was also from the area. He said that he was from a septic tank service and understood that we had a septic system.

"No, we're on the city sewer system."

He was sorry to have bothered me.

No bother. It would be a real pain to have a septic tank. My in-laws had a septic system at their cabin on a lake near Emporia. The dang thing was always needing to be pumped out and you couldn't put waste paper down the toilet. They kept a special waste basket next to the commode.

The next guy wanted to sell me insurance or a credit card of something. He didn't get halfway through his spiel.

"No thank you."

Click.

I always try to be nice but I don't waste either their time or mine.

There are long stretches when there is no one at home out there in Colorado. I guess that the telemarketers talk to each other then or, perhaps from the number of calls we get at our home here, maybe they just track us down.

## Do our rights come from God?

The furor continues over the Ninth Circuit Court of Appeals's decision that the phrase "under God" in the Pledge of Allegiance is unconstitutional. The three-judge panel ruled that, in a public school, a religious message as part of an official classroom exercise violates the First Amendment's Establishment Clause because the religious message is directed by the state.

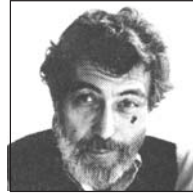
The Rev. Jerry Falwell has urged a campaign of mass civil disobedience by school officials to keep "under God" in the pledge. So has the president of the Southern Baptist Convention. And George W. Bush's reaction to the inflammatory decision is that it proves the nation's need for "common-sense judges who understand that our rights were derived from God."

The president has said that he has no litmus tests when deciding whom he will nominate for the federal bench, but his above statement is clearly such a test. He has declared that judges who believe that our rights come from God "are the kind of judges I intend to put on the bench."

New York Democratic Sen. Hillary Clinton appears to have joined Bush in this conviction. When Tom Flynn, editor of Free Inquiry — a free-thought, secular magazine — asked her view of the removal "under God" from the Pledge of Allegiance, she wrote:

"I believe the Court misinterpreted the intent of the framers of the Constitution and instead undermined one of the bedrocks of our democracy, that we are indeed, 'one nation under God.'"

What if a highly qualified lower-court judge, recommended by both liberal and constitutional scholars for a seat on a Federal Circuit Court, had candidly written an article saying that his only religion is the Constitution? The judge does not at-



**nat hentoff**

• commentary

tend religious services, and makes a point of emphasizing that there is no mention of God in the Constitution. When pressed, this jurist admits a firm belief that our rights come only from the compact among our people that is the Constitution. This judge respects religious beliefs, but has none.

The president has said he would not nominate that person to a higher court. And if Sen. Clinton were on a future judiciary committee, would she be able to vote for a person who, on taking the oath, would undermine "a bedrock of our democracy" by omitting God?

And what do the president, Sen. Clinton, the Rev. Falwell and the president of the Southern Baptist Convention say about the command of Article VI of the Constitution, in which the Framers said unequivocally that "no religious test shall ever be required as a qualification to any office of public trust under the United States?"

Shall there be a campaign for a constitutional amendment to strike that clause from the Constitution and insert a requirement that anyone nominated or elected to public office must affirm that we are "one nation under God," from whom shall our rights flow?

It is certain, in any case, that aside from being 78 years old, Judge Alfred Goodwin, a Nixon appointee to the Ninth Circuit (and the judge who removed "under God" from the Pledge) will never be appointed to the Supreme Court. Which mem-

ber of the Senate Judiciary Committee, of either party, would imperil his or her political future by voting for Goodwin?

Yet, the judicial track record of this World War II Army captain is described in the Los Angeles Daily Journal, a non-ideological newspaper of legal news and analysis, as "a judge's judge." He is known by fellow judges, law clerks and lawyers who have appeared before him in his 47 years on the bench as apolitical, independent and, until now, remarkably free of controversy.

Reports the Los Angeles Daily Journal: "Fewer than six of the 761 rulings he has written have resulted in re-hearings before the entire Ninth Circuit. Only a few of those led to reversal — and fewer still were reversed by the U.S. Supreme Court."

Ronald Olson, a partner in a Los Angeles law firm, says the judge is "an extraordinarily fair-minded judge who does not come to any case with any sort of overpowering ideology." And Michael Berman, a lawyer and former clerk for Goodwin, says: "He won't shy away from results that are unpopular, but he has very little ego. He is unafraid of where the law leads."

And, in the case that has led to Goodwin being vilified across the country, the Constitution led him to decide that "under God" in the Pledge of Allegiance "impermissibly takes a position with respect to the purely religious question of the existence and identity of God ... It's a declaration of religious belief."

Constitutionally, he is indeed correct, however controversial.

Yet, Goodwin is lucky he hasn't been tarred and feathered.

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



THE DEATH TO GUN CONTROL CARD

### berry's world



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