

commentary

from other pens...

Court decision finds notes are protected

Kansas City Kansan on journalists' notes and shield laws:

Wyandotte County District Court Judge George Groneman ruled Friday that Kansan Managing Editor Rebecca Shelton does not have to turn over notes or written documents she may have received from a source for her Empowerment Zone series of articles.

A Unified Government official, LaVert Murray, is suing a whistleblower for libel, and had subpoenaed Shelton in the civil case, ordering her to turn over documents. Attorneys for the newspaper filed a protective order on the material, and the judge determined that the material was privileged. It was a good decision. Other courts have found that unpublished notes and materials are protected under the First Amendment.

Thirty-two states throughout the United States have Shield laws that protect reporters' notes, documents and confidential sources. Kansas, however, does not have a Shield Law.

But a bill that would create a Shield Law may be introduced in the Kansas Legislature in the future. A state task force is working on this right now.

It is needed. Such a bill could eliminate attempts by government officials to strike back at whistleblowers or other confidential sources.

The Kansan has an open door policy toward Wyandotte County residents. One of the main functions of a newspaper is to give a voice to the people of the community, and they should not fear repercussions for voicing their opinions.

The Hays Daily News on attorney general race:

Forget about the shallow governor's race in Kansas. The real meat is in the race for attorney general.

And that race is especially interesting because it features a dark horse who is head and shoulders above in qualifications the politician with the name recognition.

That is the race now starring Chris Biggs, a soft-spoken man who has been quietly but doggedly been doing the blue-collar work of county prosecutor in one of the most active criminal jurisdictions in the state. Biggs, a Democrat from Junction City, is Geary County attorney.

For 20 years he has been a practicing attorney, most of that as a prosecutor. It has been his full-time job. He has prosecuted hundreds of cases, including having tried a capital murder case. He is the real deal.

Phill Kline, meanwhile, is the Republican who has been busy himself. But Kline's preoccupation has been with making a name for himself in politics. So busy ... that he allowed his law license to lapse three times.

Kline's motivation ... seems more focused on his political career, perhaps, many speculate, making it a stepping stone to the governor's office. He jumped in the race only after failing in a bid for Congress and then being turned down for a U.S. attorney appointment...

The challenge is formidable for Biggs. Kline spent eight years in the Kansas House and is well known in his home turf, Johnson County. He is a social conservative, and his agenda appeals to that voting bloc.

But Biggs not only has far more applicable experience for the job, he has thoughtful positions on the issues. He has no personal agenda. And he can articulate like few others what needs to be done to Kansas' criminal sentencing guidelines to make sentencing consistent and effective...



Be cautious on mineral and royalty offers

Dear Kansas Consumers:

Occasionally, my office receives inquiries from consumers about different business practices they encounter. I rely on the vigilance of Kansans to bring to my attention the many ways in which certain businesses attempt to mislead or take advantage of the public, so these inquiries are always welcome. However, not every practice that appears suspicious constitutes a violation of the Kansas Consumer Protection Act (KCPA), and sometimes my office lacks jurisdiction to act. Such a case has been brought to my attention recently, as my office received questions about companies offering to purchase mineral and royalty interests from Kansas landowners.

If you receive an offer to purchase the mineral or royalty interests you own in your land, it is extremely important that you act carefully before responding. My best advice is for consumers to seek counsel from a private attorney regarding any such offer.

The offers will often arrive with a bank draft enclosed, so there may be a temptation to want to immediately receive an upfront payment that looks like a substantial value for what is being sold.



carla j. stovall

• consumer corner

However, consumers should realize that these companies are essentially speculating on what the future value of those interests might be; normally, if they are willing to offer to make an upfront payment, they believe that the value is going to rise in the future. Some of the inquiries my office has received show that the offered payment was less than the present annual income that the consumer received from the wells already in production on the land. Obviously, that sort of offer would be a very bad deal for the landowner. But, unless the person or company making the offer is using some sort of deception in the way they communicate the offer, it is unlikely that there would be a basis under the KCPA to undo the transaction.

Some of the deeds that consumers have been

asked to sign include much broader grants of land than the consumer may understand or believe they are making. Such practices might give rise to a KCPA claim, but the facts of each case would have to be considered before making that determination.

The caution I give to consumers is this: in any transaction involving a sale of interest in real estate, whether it concerns the surface interests, the mineral interests, or your royalty interest, it is always wise to consult with an attorney about the legal consequences of what you are being asked to sign before you accept that offer.

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.

And you thought things were bad in France

"Vive la France" is not a phrase that springs off the tongue as of late. That said, the French do deserve a quick cheer — or at least a brief moratorium on the Bronx cheer — for having acquitted novelist Michel Houellebecq this week of charges that he called Islam a name.

Not that Mr. Houellebecq didn't call Islam a name — the "stupidest" religion — before dismissing the Quran as "appalling." (He even confessed to preferring the Bible: "Very beautiful," went the blurb of this author who rejects monotheism altogether, "because the Jews have a hell of a literary talent.") Michel Houellebecq is a free man today because a three-judge panel determined that the novelist, in rather casually rendering his opinion in a magazine interview, had rather casually rendered his opinion in a magazine interview.

But not only that. The court specifically noted that Mr. Houellebecq had spoken his mind about a religion — not about a religion's followers. This suggests the latter offense of slander wouldn't pass muster in "free" France. Which doesn't bode well for Oriana Fallaci, the next writer in line in France for excessively free speech on Islam — hers not in off-the-cuff comments, but in a carefully considered, if quickly written, book.

Ms. Fallaci is the author of "The Rage and The Pride" (Rizzoli, 2002), a pulsing and oceanic polemic on Islam and the West (and on Muslims and Westerners) that the liberal, once-world-famous journalist wrote immediately after despicable Islamist terrorists brought their specialty — mass murder and colossal destruction — to America on Sept. 11. Less a call-to-arms than a clanging wake-up call for self-defense, this exceptionally raw, exceptionally riveting piece first appeared as a lengthy Italian newspaper essay (drawing death threats from Italian Muslims, she writes), and later in an expanded book version that has become an international best seller. Ms. Fallaci, who calls the work a "sermon," says "a Reverse Crusade" has begun, but she is hardly preaching to the choir.



diana west

• commentary

"You don't understand," she writes beseechingly before stylistically throttling the reader by the lapels, "you don't want to understand, that for those Reverse Crusaders, the West is a world to conquer and subjugate to Islam."

It only makes sense. But rather than confront the book's charges and debate the subject, Ms. Fallaci's critics have instead initiated legal proceedings against the author to, if possible, shoosh her up. (Lots of luck.) They hope to convince a French court that the nastiest bits — at her most insulting (and most quoted), Ms. Fallaci says Muslims "multiply like rats" and "spend their time with their bottoms in the air, praying five times a day" — justify France to ban the book or, almost worse, tag it with a warning sticker that officially contradicts the author's opinions about Islam. (Jaw-dropping tidbit: According to National Review Online, one plaintiff, the Movement Against Racism and for Friendship Between People, brought similar charges against Brigitte Bardot in 1996 and 1997 after the actress-turned-animal-rights-activist twice criticized the Muslim practice of ritual slaughter in a French newspaper — and the organization won.)

Almost lost in the legal scrum is a breathtaking Fallaci claim. It involves, as I recall, no hot-button invective, but hurls political correctness on its head more forcefully than any quick hits of attention-getting vulgarity. Ms. Fallaci thinks (and explains why) Islam and the West are not "two realities of equal value" — namely, that the achievements of the West dwarf those of Islam, and the Western system is freer and fairer than anything

based on Islamic law. It is fair to say this is true, but too few among us feel free to say so.

The time has come to abandon the flaccid indiscipline of cultural relativism if we are to save the singular principles that define this freer and fairer civilization. This is clear in France, where under Islamic influence freedom of speech is suddenly — or maybe not so suddenly — an increasingly questionable right. It's also clear at home, where freedom of religion may soon be twisted to justify jihad itself.

This notion struck me while reading up on the Treasury Department's recent decision to add the Illinois-based Global Relief Fund, a large Islamic charity, to the government's list of terrorist organizations. One of the charges against the group is that its publications solicit funds for armed struggle — jihad — around the world. Tsk, tsk, tsk — or words to that effect — Ashraf Nubani, a foundation lawyer, told the Washington Post. Paraphrasing Mr. Nubani's position, the article explained that "by quoting from foundation publications advocating that Muslims donate funds for jihad or struggle, the government is attacking Islam itself." Mr. Nubani also pointed out that the some of the offending quotations cited by the government were actually from the Quran. "You may not like it," he told the Post, "but (financially supporting jihad) is part of the religion."

Voila — Jihad as a First Amendment right! And you thought things were bad in France.

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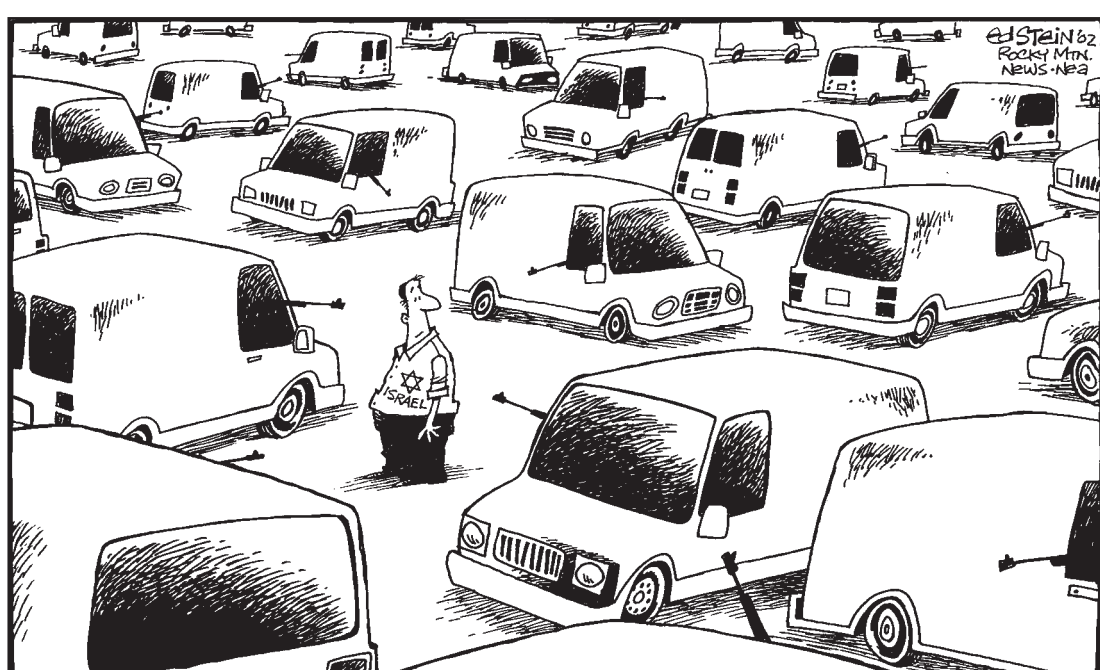
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