

commentary

from other pens...

Hemisphere marked by major uncertainty

It's not threatening enough to qualify as an "axis of evil," Latin American style. Perhaps "axis of instability" will do.

For the Bush administration, the political portents in much of Latin America are not encouraging. In Brazil, political restlessness was evident last month when voters picked a leftist, Luiz Inacio Lula da Silva, as president. On Sunday, Ecuadoreans in all likelihood will choose a leftist colonel, Lucio Gutierrez, as their new leader in a presidential runoff.

If elected, Gutierrez will try to do what the past two elected presidents have not done: complete a four-year term. He is an admirer of Venezuelan President Hugo Chavez, a populist strong man who presides over perhaps the most polarized country in the hemisphere.

Once proud and prosperous Argentina faces a possible 15 percent economic contraction this year. Colombia's president, Alvaro Uribe, is doing battle with drug traffickers plus two insurgencies on the left and one on the right.

Peruvian President Alejandro Toledo is trying to govern with barely 20 percent support. In Bolivia, presidential candidate Evo Morales campaigned as a fierce opponent of the U.S. counter-narcotics program. He lost to a more conventional candidate by 1.5 percentage points.

For Washington, perhaps the most worrisome development is the election of Silva in Brazil. He is considered the main obstacle to President Bush's goal for the hemisphere: a free trade agreement by 2005. Bush and Silva will meet Dec. 10 in Washington.

Terror is another U.S. worry in the hemisphere, although far less than in the Middle East and Asia. The Brazil, Argentina and Paraguay border area is seen by the State Department as a "focal point for Islamic extremism."

Such topics were the focus of a gathering of hemispheric defense ministers that Defense Secretary Donald H. Rumsfeld attended this week in Santiago, Chile.

Peter Hakim, president of the Inter-American Dialogue, a private research group, is worried about the drift away from U.S.-backed economic reforms in Latin America. "I'm very pessimistic," says Hakim. "There is no clear solution to this. No one quite sees how to restore growth and vibrancy in these countries."

The Heritage Foundation's Steven Johnson says many Latin Americans persist in believing in a "strong leader who will work miracles as opposed to development of public institutions that respond to their needs."

Moises Naim, a Venezuelan who is editor of Foreign Policy magazine, says there is nothing wrong with the U.S.-favored economic recipes — privatization, trade liberalization and deregulation.

He says many governments have given lip service to these approaches but never implemented them. These ideas have become "politically noxious" even though they were never given a chance to succeed, Naim says.

There is another cause for anxiety. According to Chile's Latino-barometro, 80 percent of Latin Americans believe that corruption, organized crime and drug trafficking have "increased a lot" in recent years.

In a speech last month, U.S. Trade Representative Robert Zoellick noted that, for all its problems, the region is far better off than it was 15 years ago when "it was plagued by hyperinflation and a debt crisis."

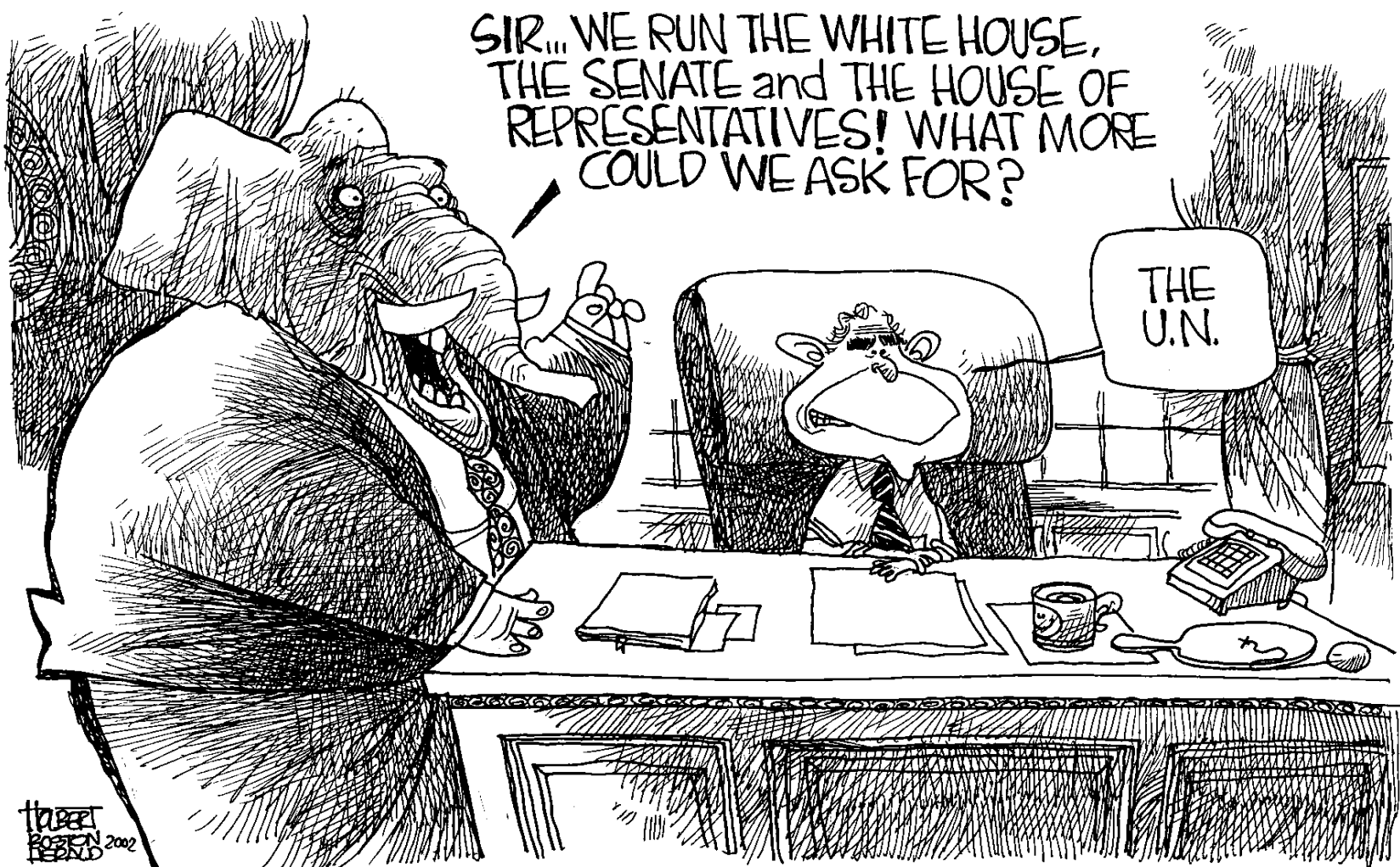
Zoellick cited Chile as an example of a country where sound policies produced gains. Chile's economic growth "has enabled it to cut its poverty rate in half, from 45 percent in 1987 to 22 percent in 1998," he said.

He said Mexico's free trade policies have paid off in sharp growth of its high tech exports. A U.N. study gives it a No. 12 ranking worldwide in the category. In 1985, Mexico was too far down on the world scale even to qualify for a ranking.

Trade, migration and other issues will be on Secretary of State Colin Powell's agenda next week when he travels to Mexico.

Mexican officials complain the relationship is too dominated by U.S. worries over border security. They are hopeful improved treatment for Mexican migrants can be reinstated as an part of the cross-border agenda.

EDITOR'S NOTE — George Gedda has covered foreign affairs for The Associated Press since 1968.



A lesson in ethics



joan ryan

• commentary

I haven't seen the tape myself, but it still gets my nomination for official symbol of the post-Enron era. Here's a description from the Associated Press:

"At defense contractor Raytheon Co., a training film features Patti Ellis, vice president for business, ethics and compliance, sharing a theater balcony with movie critic Roger Ebert. The two flash thumbs-up or thumbs-down concerning certain practices, such as skimming on required tests to get a product out more quickly or making sure the company doesn't inflate the cost of labor."

All together now, boys and girls: Cheating bad. Honesty good. Maybe the company chose Roger Ebert because Bert and Ernie were unavailable.

The Raytheon film is part of a new trend of remedial ethics in the adult world. It's not just corporations teaching right from wrong to those they think somehow missed it. Colleges are beefing up honor codes, requiring "student integrity contracts" and launching "academic-integrity education campaigns."

A recent informal survey of 1,139 students at 27 U.S. universities suggests there is a need. Nearly 60 percent of the students admitted to cheating on a high school or college test. So colleges have a legitimate concern and their attempts to raise standards seem genuine. The business world is another

story.

The ethics crisis has been playing out in the executive suites, as one top boss after another slips into the back seat of a cop's sedan, charged with corruption, cheating, lying, fraud or insider trading. Thus, facing the problem of corruption in the executive suite head on, corporate America is requiring employees to take ethics classes.

Corporations are contracting by the dozens with hot new companies such as Integrity Interactive Corp. and LRN, The Legal Knowledge Co., which provide Web-based ethics classes to employees. They're hiring ethics officers, who now have their own association. (The group recently reported an upsurge of 100 new members, bringing their total to about 850.)

These officers produce and distribute thick manuals that often read like tax codes, complete with loopholes and fine print. Enron's ethics manual was 51 pages.

"Why do they need 51 pages? The Ten Commandments is 75 words," says Pete Thigpen, a former Levi Strauss & Co. vice president who now teaches an ethics course at the Haas School of Business at UC Berkeley.

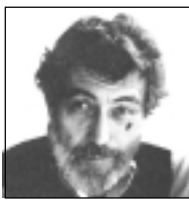
As businesses suffer from corrupt executives, as distrust and cynicism grow among stockholders and customers, the corporate solution is to teach employees the Golden Rule, as if they didn't quite grasp it in kindergarten. If you're moved by this rush to instill ethics in corporate America, don't be. This isn't about being ethical. It's about evading punishment. Under federal guidelines, companies that have ethics programs are eligible for reduced fines if convicted of wrongdoing.

If companies truly cared about instilling ethics throughout the workforce, they'd look at their leaders. When leaders behave ethically, when they are ruthless with those who compromise the company's reputation, the standard for employees is clear.

But the post-Enron era is much like pre-Enron. Companies were cooking the books, faking transactions, lying to shareholders. The problem was about perpetuating a sham. Now so, too, is the solution.

Joan Ryan is a columnist for the San Francisco Chronicle. Send comments to her e-mail at joanryan@sfgate.com.

Breaking the judiciary logjam



nat hentoff

• commentary

On Oct. 30, George W. Bush televised a series of proposals to end the fiercely politicized Senate Judiciary Committee confirmation process for federal judges. Because of ideological warfare by both parties, we now have what the American Bar Association accurately calls an emergency situation in the federal courts.

With many judicial vacancies, those who suffer are litigants around the country as their cases are delayed. This happens no matter which political party controls the Senate Judiciary Committee and keeps slowing the process. The one proposal by the president that is crucial is: "I call on the full Senate to commit to an up or down floor vote on each nominee no later than 180 days after the nomination is submitted."

The 180-day provision is debatable, but requiring all the senators to vote on a nomination — regardless of whether the Senate Judiciary Committee has approved it — was called for by Alexander Hamilton in Federalist Papers Nos. 76 and 77: the president is "bound to submit the propriety of his choice to ... an entire branch of the legislature." The Constitution designates the Senate as that branch.

Furthermore, as Sen. Arlen Specter (R-Pa.), a Judiciary Committee member, makes clear: "Neither the text of the Constitution nor any contemporaneous or subsequent history says anything about the ability of one senator or one committee to defeat a judicial nomination by the president."

Bush made a big mistake by issuing his proposal on the eve of the elections, thereby giving his critics an opening to scorn it as a political ploy, which it was. If he is serious about actually restoring the Constitution to the battered confirmation process (now that the Republicans control the committee), the president should bring the issue up again on prime time television, focusing only on the requirement that the entire Senate eventually vote on the judicial nominees. If he does that, then the citizenry can understand the cynical power game that has

been played so long on the Judiciary Committee by both parties (Republican majorities have killed nominations by Democratic presidents).

In his book entitled "God Save This Honorable Court: How the Choice of Justices Shapes Our History" (Random House, 1985), professor Laurence H. Tribe — whose casebook on constitutional law is often referred to by the Supreme Court — wrote that "what matters most (in the process) is that 100 senators of diverse backgrounds and philosophies" vote on the judicial nominees of any president.

By the way, do you think that the Constitution's framers would have approved of the current "blue slip" rule on the Senate Judiciary Committee, which allows a single senator to kill a nomination made by a president? Or imagine James Madison watching the recent nomination of Miguel Estrada for the District of Columbia Court of Appeals. Sen. Charles Schumer (D-N.Y.) pounded Estrada with accusations by two anonymous sources who could not be cross-examined. Hard to justify, when you consider the basis of our entire system of justice is "due process" — fairness.

The very same Schumer, the Democrat's chief ideology enforcer, is quoted approvingly in a clueless Newsday editorial as saying that, "The problem isn't the process, it's with whom he (Bush) is nominating." But it is Schumer who exemplifies the problem with the senators on both sides of the aisle that is contorting the process. Through the years, members of the committee have been pressing nominees to pledge they would vote, if confirmed, just as these ideological senators would

vote if they were judges.

The Democratic party's rigidity was recently shown before the midterm elections, during a hearing on Estrada's nomination when he was hit with charges by those anonymous sources: Not even civil libertarians Leahy and Russell Feingold (D-Wis.) protested.

Ralph Neas, president of the often-valuable People for the American Way, is a critic of Bush's proposals — including sending each nominee to the Senate floor after the Judiciary Committee votes. American Way goes hunting for judicial nominees who don't fit its ideological passions.

Neas, knowing my position on the need for a floor vote, asked me in a note: "Are you sure it is a good idea to jettison two centuries of Senate history and precedents?"

For many years, Senate precedents prevented women from voting and denied equal protection of the laws to black Americans. The pettifogging on the Senate Judiciary Committee is a precedent well worth jettisoning so that nominees can get judicious hearings. A clear statement to this effect — supporting President Bush's proposal — by the new Judiciary Committee chairman, Orrin Hatch (R-Utah), would be most valuable for the future of the judiciary, and therefore, for the rest of us.

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

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