

commentary

from other pens...

‘Spoils’ not what expected this year

The Newton Kansan on fresh approach to crisis:

That tried-and-usually-true political adage — “to the victor go the spoils” — may not hold quite as much water this year as the Kansas Legislature gets ready to kick off the 2003 session in Topeka.

After all, Kathleen Sebelius was the victor. She beat a conservative Republican opponent and is on her way to the governor’s mansion at Cedar Crest in Topeka.

What she’s going to inherit in Topeka, however, are not “the spoils,” the fruits of that victory, but a budget in crisis, little or no money for her own new ideas and an electorate that isn’t exactly ecstatic about huge budget cuts that have decimated social programs designed to help the most vulnerable.

Despite that, the newly elected governor will ... take her place among the elite in Kansas history. She’s the second woman governor in a little over 10 years, but many observers expect more of her than Joan Finney, who broke the glass ceiling in 1990.

Unlike her predecessor, Gov. Bill Graves, she won’t start her term with an economy that is humming and revenues that often outpace forecasts.

Graves’ first four or five years were marked by a strong economy, booming stock market and overflowing tax coffers. In the process, the governor and the Kansas Legislature cut taxes by some \$4.7 billion.

While just about everything was coming up roses in the 1990s, today the thorns far outnumber the flowers.

We wish the new governor the best as she embarks on a difficult journey. We’ve got one advantage here: she’s fresh, invigorated by her victory and ready to tackle the problems already loaded on her plate.

The Ottawa Herald on curbing drunk driving:

Losing a loved one to a drunken driver is devastating.

Two Kansas families who know that pain are fighting back against those they believe are partly responsible. They hope their actions help lead to a law in Kansas that could prevent similar tragedies.

The families have filed separate suits against bar owners they say failed to cut off drunken patrons who later caused crashes that killed their relatives. The families plan to appeal their cases to the state Supreme Court if they’re unsuccessful in district court.

They’re in for a tough battle because Kansas is among a handful of states (one of only seven) that do not have “dram shop” laws, which can hold bars liable when one of their patrons is involved in a drinking-related accident that results in injury or death.

Hopefully, the families’ lawsuits will bring needed attention to that serious deficiency in Kansas law.

While many bar operators do their best to control drunken patrons, studies show dram shop laws make servers more aware of the risks, and more likely to take action when a patron has had too much to drink.

Missouri recently implemented its own dram shop law, and since then alcohol vendors have paid huge monetary sums in settlements stemming from drunken drivers who killed or injured others.

If the potential for a tragic accident isn’t enough, the possibility of losing a costly settlement should encourage those who serve alcohol to become even better prepared to handle drunken patrons.

Kansas lawmakers would be wise to listen to the families who have lost loved ones, and craft dram shop legislation that will make a difference. ...



Is a war on Jews a war on democracy?

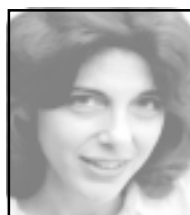
One startling revelation of Michael Beschloss’s engrossing new book, “The Conquerors: Roosevelt, Truman, and the Destruction of Hitler’s Germany” (Simon & Schuster), is the apparent extent to which FDR was able to prosecute World War II against the Nazi killing machine without giving much thought to the actual killing machine. While subsequent generations consider the Third Reich synonymous with its nearly successful attempt to eradicate a people, Roosevelt displayed, as Beschloss puts it, “a tendency to shunt Hitler’s war against the Jews to a separate compartment of his mind.”

Even after the U.S. government had become aware of the Nazi extermination infrastructure, administration efforts to inform Americans about German atrocities didn’t mention death camps. Roosevelt himself remained silent on the subject. In private, he engaged in what Beschloss describes as “silly rants about Prussians, military uniforms and marching and did not mention genocide at all — even though he had privately learned more about the Holocaust than most Americans of the time.”

It must be said that Beschloss also makes it cloudlessly clear that the singular greatness of FDR’s leadership in beating Germany and mapping out a lasting peace outshines such flaws. Still, they may continue to perplex the modern reader. Despite the historian’s best efforts to track FDR’s possible motivations, it remains downright bizarre that Hitler’s war against the Jews didn’t figure into the American president’s vision of Nazi Germany’s wider war against the democracies-in-arms. Why?

Maybe the full explanation lies beyond the scope of a historian. Maybe only a Tolstoy or Twain can reach beyond what is documented to reel in, flay and bone the inner FDR to anyone’s satisfaction.

Leaving aside what is non-footnotable, it’s hard to let go of Beschloss’ conclusion that the



diana west

• commentary

32nd president was inclined to compartmentalize the war on the Jews, a tendency that at least helps explain Roosevelt’s inertia over aiding Jewish refugees or bombing the tracks to Auschwitz. These are lapses of considerable moral dimension. But there are also political implications to FDR’s partly blinkered vision, some of which have surprisingly contemporary applications.

Such notions came to me while reading Harvard literature professor Ruth R. Wisse’s assessment of the recent, particularly European, resurgence of anti-Semitism. Writing in the October 2002 issue of Commentary magazine, Wisse sets out to compare the poisonous font of anti-Semitism today, the Arab-Muslim world, with the Nazi source of yore, and ends up offering a novel explanation for the potency of that hate: “Modern anti-Semitism,” she writes, “achieved its power as a political instrument through its opposition to liberal democracy itself — as personified by the Jews.”

There’s an intriguing notion. If state-sanctioned anti-Semitism indicates a society’s animus not only toward Jews, but also toward liberal democracy (not to mention tolerance and the Rights of Man), then the fallacy of decoupling the plight of Europe’s Jews from the threat to the democracies becomes pretty clear: Attacks on the one may prefigure attacks on the other.

FDR, of course, was hardly alone in failing to make the link. Indeed, as Wisse writes, The New York Times in the 1930s played a shocking role in minimizing the dangers of Nazi Germany, a role for which the newspaper has

since apologized. The whitewash came out of publisher Arthur Hays Sulzberger’s opposition to Jewish nationalism, or Zionism, which he believed would benefit from frequent disclosures of Nazi atrocities against the Jews. Had the publishers encouraged the Times to cover Nazi Germany without bias, Wisse argues, they would have better covered its rearmament and its systematic perversion of the law and civil liberties. “And they would have registered the way that Nazi anti-Semitism cloaked darker anti-democratic purposes behind enmity directed against Jews alone,” she writes. “The reluctance to expose dangers to the Jews suppressed recognition of much that threatened, and still threatens, the West.”

And what still threatens the West? Not too surprisingly, the answer is that which still threatens the Jews, who, by now, have miraculously defended a Jewish state against Arab-Muslim aggression for more than a half century. Wisse explains it this way: “As the Jews were the practice range for anti-democratic and anti-liberal forces in pre-Hitler Europe, so in the second half of the 20th century the state of Israel took the brunt of the Arab/Muslim war against Western democracy.”

To be sure, the anti-Semitism is the same. So, too, is the animus of its proponents toward Western-style democracy. What’s different is that since Sept. 11, Israel is no longer fighting alone.

Or is it? In a terrible twist, Israel’s sister democracies persist in viewing her struggle for survival against the anti-democratic, terrorist forces of Islamism as something practically extra-terrestrial and completely separate from their own.

This sounds an awful lot like shunting the war on the Jews to a separate compartment. The question remains: Why?

Diana West is a columnist for The Washington Times. She can be contacted via dianawest@attglobal.net.

Overruling the U.S. Supreme Court

In California, bar associations in San Francisco, Los Angeles and Santa Clara have urged that state’s Supreme Court to prohibit California’s 1,600 judges from being members of the Boy Scouts of America because that organization discriminates against gays. California’s high court is seriously considering this proposal.

California judges are already forbidden to join organizations that discriminate based on sexual orientations, but there is an exemption for nonprofit youth organizations, and that includes the Boy Scouts. Says Angela Bradstreet — outgoing president of the Bar Association of San Francisco — in the Los Angeles Daily Journal: “Ending the Boy Scouts’ exemption is a matter of preserving a fundamental perception of fairness within our court system. It’s absolutely no different from judges being excluded from sporting groups and other organizations that exclude women, African-Americans or other minorities.”

If the Supreme Court of California agrees with Bradstreet, its decision will collide with a June 28, 2000, decision by the U.S. Supreme Court in Boy Scouts of America v. Dale. The case involved James Dale, an assistant Boy Scout scoutmaster who had publicly proclaimed his homosexuality. He was expelled from the Boy Scouts for violating one of its basic principles of membership.

In its majority decision, the U.S. Supreme Court said that “we are not, as we must not be, guided by our own views of whether the Boy Scouts’ teachings with respect to homosexual conduct are right or wrong.” What cannot be justified, said the court, is “the state’s effort to compel the organization to accept members where such acceptance would derogate from the organization’s expressive message. ... The fact that an idea may be embraced and advocated by increasing numbers of people is all the more reason to protect the First Amendment rights of those who wish to voice a different opinion.”

Freedom of association is one of the core rights embodied in the First Amendment. In an



nat hentoff

• commentary

amicus brief to the Supreme Court, the Boy Scouts emphasized that “a society in which every organization must be equally diverse is a society which has destroyed diversity.”

Would these organizations of lawyers in California insist that the NAACP must admit as members, particularly in leadership positions equivalent to assistant scoutmaster, those blacks who thoroughly oppose affirmative action and who believe in the crucial need for publicly financed vouchers to religious schools?

Should gay and lesbian organizations be compelled to admit as members and leaders those who are convinced that active homosexuality violates religious commandments and that its practitioners must be converted to a heterosexual life?

In Boy Scouts of America v. Dale, the U.S. Supreme Court affirmed the First Amendment “right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious and cultural ends.”

The High Court emphasized that “this right is crucial in preventing the majority from imposing its views on groups that would rather express other, perhaps unpopular, ideas. ... Forcing a group to accept certain members may impair the ability of the group to express those views, and only those views, that it intends to express.”

In the weekly Washington-based Legal Times, professor Thomas Baker — who holds Drake University’s James Madison Chair in Constitutional Law — distilled the essence of the First Amendment right to associate: “We cannot limit the Boy Scouts’ First Amendment rights ... without limiting everyone’s First Amendment rights.”

I hope the California Supreme Court will

make that constitutional point clear to the bar associations of San Francisco, Los Angeles and Santa Clara. Those lawyers should have learned this basic principle in law school. But, as in many colleges and universities, political correctness often triumphs over the fundamental diversity of beliefs that the First Amendment protects, for associations as well as individuals.

The Boy Scouts have already lost support from certain municipalities, including public schools and some private charities, for winning this U.S. Supreme Court decision. But to force judges to publicly scorn the First Amendment rights of the Boy Scouts will set a precedent that could enable public opinion in other states to violate legitimate free-association rights of gay and lesbian organizations, too.

Individual California judges clearly have the right to resign from the Boy Scouts on principle, but to compel the entire judiciary to make pariahs of the Boy Scouts mocks the Constitution.

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

berry’s world



The Goodland Daily News

(USPS No. 222-460. ISSN 0893-0562)
Member: Kansas Press Association
The Associated Press
Inland Press Association Colorado Press Association
National Newspaper Association
e-mail: daily@nwkansas.com

Steve Haynes, President
Tom Betz, Editor/Editorial
Managing Editor
Pat Schiefen, Copy Editor
Michelle Hawkins, Reporter
Sharon Corcoran, Society Editor
Eric Yonkey, Bill Wagoner, Advertising Sales
Skilar Boland, Adv. Production **Sheila Smith, Office Manager**

Nor’west Press

Jim Bowker, General Manager
Richard Westfahl **Ron VanLoenen** **Judy McKnight**
Betty Morris **Mary Jo Tapparo** **Lana Westfahl**
Teneile Lovelace

nwkansas.com
N.T. Betz, Director of Internet Services
(nbetz@nwkansas.com)
Evan Barnum, Systems Admin.(support@nwkansas.com)

Published daily except Saturday and Sunday and the day observed for New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day, at 1205 Main St., Goodland, Kan. 67735.
Periodicals postage paid at Goodland, Kan. 67735; entered at the Goodland, Kan., Post Office under the Act of Congress of March 8, 1878.
POSTMASTER: Send address changes to The Goodland Daily News, 1205 Main St., Goodland, Kan. 67735.
TELEPHONE: (785) 899-2338. Editorial e-mail: daily@nwkansas.com. Advertising questions can be sent to: gdnadv@nwkansas.com

The Goodland Daily News assumes no liability for mistakes or omissions in advertising or failure to publish beyond the actual cost of the ad.

SUBSCRIPTIONS: In Sherman County and adjacent counties: three months, \$25; six months, \$42; 12 months, \$79. Out of area, weekly mailing of five issues: three months, \$30; six months, \$45; 12 months, \$80. By mail daily in Kansas, Colorado: 12 months, \$115. (All tax included.)

The Sherman County Herald
Founded by Thomas McCants
1935-1989

THE SHERMAN COUNTY STAR
Founded by Eric and Roxie Yonkey
1994-2001

Nor’West Newspapers
Haynes Publishing Company