

from our viewpoint...

## U.S. compiles data on every citizen

Every time you write a check or make a bank deposit, your government may be snooping on you. Now, you say. Your government wouldn't do that. Wrong. The U.S. government is compiling massive amounts of information about every person who uses the banking system, and this data collection has grown by leaps and bounds in recent years. The biggest change came with the 2002 passage of the ill-named Patriot Act. That law required banks to seek identification from people who open accounts and increased requirements for reporting bank transactions. These same rules had been blocked by Congress in the two years before because of legitimate concerns over privacy. After the Sept. 11, 2001, terrorists attacks, however, all bets were off. People were demanding protection, and Congress moved quickly to establish the Department of Homeland Security. Snooping provisions that had been shelved were dusted off and shoved into the Patriot Act. The government said it needed to be able to track terrorist money coming into the U.S. To do that, it got permission to snoop on every one of us.

Just the financial cost of this law is burdensome. Banks have to check identification when people open or change an account. Bankers look people they have known for years in the eye and demand that they prove just who they are.

All this paperwork is expensive, with nationwide costs in the billions. It's piled on top of tons of paperwork banks already produce for the Internal Revenue Service and bank examiners. This is a major expense in banking, an expense that customers have to pay.

To what benefit? Is it likely that the government can track a few dozen terrorists by watching the bank accounts of millions of Americans? Not hardly. It's possible, but not likely. If past experience is any guide, officials would ignore the terrorist accounts until it was too late, then call for more laws. Meantime, they're building a nifty data bank on all of us. Government agents can check on your bank activity. Your bank can't even tell you when it happens.

The same is true of your library. Terrorists might check out books on making bombs. Agents, operating under the Patriot Act, can check up on what you've been reading. The librarian is barred by law from telling you about the snooping.

Many members of Congress now rue the day they voted for this ill-conceived and dangerous law, but the damage is done. Public outrage over the terrorist attacks created an opening to pass anything in the name of "security."

There is no sentiment now to repeal any of its provisions, despite the obvious threat to privacy and civil rights. Powers once given to the government are seldom taken away.

It seems odd that this massive breach of rights has occurred under a supposedly conservative Republican president.

But under George Bush, the federal government has seized control of local schools with the No Child Left Behind Act, and pushed itself into a dozen different openings. The Patriot Act is simply the greatest threat to liberty. It's far from the only symptom of Big Brotherism.

Patriot Act, indeed. It's a law in the best tradition of George Orwell's "1984." — *Steve Haynes*

## The Goodland Star-News

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e-mail: [star-news@nwkansas.com](mailto:star-news@nwkansas.com)

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N.T. Betz, Director of Internet Services  
([ntbetz@nwkansas.com](mailto:ntbetz@nwkansas.com))

Evan Barnum, Systems Admin. ([support@nwkansas.com](mailto:support@nwkansas.com))

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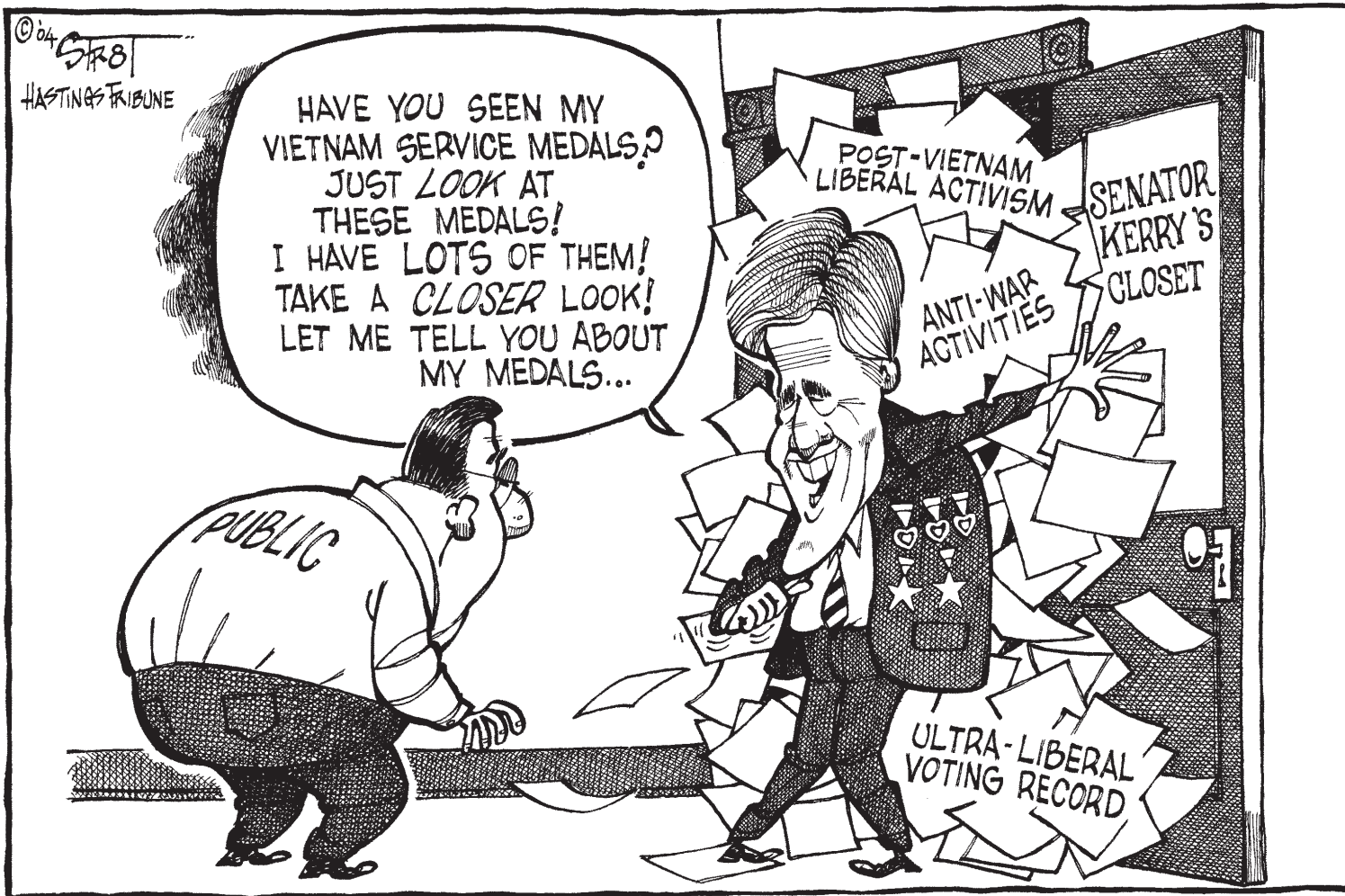
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## Nature is amazing to watch

I don't know about you, but I think nature is amazing.

There is always something new and exciting happening if we are even half-way looking.

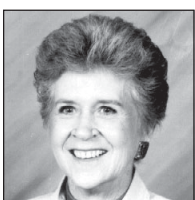
More than a month ago, just before winter was at its coldest, I saw evidence of the coming spring. Little crocus plants were peaking up through the frozen ground.

We had had a few warm days, and the flowers had decided to make an appearance. They did get their noses a little nipped, but they have continued to grow.

Then the other day I was out driving. It was a sunny day, but chilly. Many flocks of birds were making their way through the air.

They always amaze me: who gets to be the leader of the loose V formations, who decides when they rest, how do they communicate?

I watched this one particularly large flock of



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sparrows, so many they blocked out the sky. They seemed to be playing, setting down for a few seconds and then taking flight again.

I never saw two birds bump into each other, and yet they seemed to have no particular direction, weaving and dipping. Each flight had its own plan, its own beauty.

At this time of year, most of the trees in this area are leafless, waiting for spring to bring forth their buds. Their stark branches give them no particular beauty.

## Committee work similar to college research

Serving on a legislative committee is similar to taking a college research class.

Each requires reading to inform yourself on the subject, then listening to and asking questions of someone who is an expert in the field to increase your understanding, with the goal of being able to apply this knowledge and understanding in a wise manner.

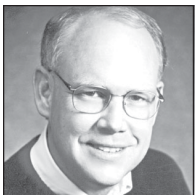
The goal as a student is to not only become proficient in your chosen field, where you take your skills to make a living, but also to become an active participant in the community and society where you live. The goal as a legislator is to be able to take the knowledge and understanding you have gained to make wise decisions and influence others on the public policy questions before the Legislature.

Harnessing the wind to generate electricity has potential to help meet the increasing energy needs of our nation and to provide additional income to the landowners in western Kansas. It has its limits because the wind blows with the most velocity in March and the calmest month is August. Generally the velocity is highest in the early morning and lowest in late afternoon. Notice, this doesn't match the time when the demand is highest, meeting the air-condition and refrigeration load in our homes and businesses.

There are incentives available to encourage wind development. Congress in the energy bill contains a provision that reauthorizes a 1.7 cent per kilowatt hour subsidy for wind energy. Kansas offers property tax abatements on the equipment used to generate electricity from wind. Some states, but not Kansas, require utilities to have at least a specific percentage of their electricity generated with renewable wind resources.

While the fuel is free, the capital cost of the generators is out of the reach of most Kansans. Those currently being installed cost \$1.5 million to \$2 million each, and adequate electric transmission lines have to be available nearby.

The next alternative that many are considering is to lease their ground to a wind energy developer. One of the challenges for the landowner is negotiating a fair lease.



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What terms and conditions are standard in the industry? Over the years, standards have been developed. In the oil and gas industry, leases are filed with the Register of Deeds and there has developed a common body of knowledge and standard practices.

With wind energy, the industry is in its infancy and you need legal advice before signing any lease. I claim no expertise in this area, but as chairman of the Senate Utilities Committee I have spent considerable time researching this topic. Leases that are offered to individuals may contain clauses that prohibit the landowner from disclosing the contents to any third party and must remain confidential.

I have copies of two leases, and while I cannot disclose their source, they are very one-sided. Two plays are offered as an excuse by the power companies to refuse to negotiate or deviate from their contract; either they say their financier/lender will not allow any changes, or they say they are offering everyone the same terms and treating everyone equally. If that is the case, then why not file the entire lease at the Register of Deeds just like an oil-and-gas lease?

The Senate this week passed a bill to accomplish this goal. The goal is not only to make public the terms and conditions so that landowners know that they are being treated like their neighbors, but that future owners, title examiners and lenders know exactly what agreements have been entered into and for what length of time.

I am aware of land that is for sale where the owner has entered into a wind lease agreement and wishes to reserve the "wind rights" as long as the lease is in effect. For years, mineral rights have been separated from the surface rights, but separating the wind rights is a new concept.

Suddenly all the birds decided to land on one special tree. It was if they knew exactly how to decorate the tree — Christmas in February.

The birds landed, each had its own spot evenly spaced from his/her neighbors. The whole tree was covered, and for a few seconds, it had complete, black foliage.

I was amazed and pleased at nature's display of handiwork for me. But it didn't last. By some pre-arranged signal, they all deserted the tree, giving it back its bleakness. But for that small, almost infinite, moment in time, I saw again God's hand in nature.

Those birds knew their place, they did their bit, and they did it in a coordinated effort. They made life better for the moment and didn't worry about tomorrow. Somehow I felt they have a lot to teach humankind — if we'd take time to watch and learn.

How would this reservation impact your decision on whether to buy this property? What is your liability if a wheat field catches on fire and warps the generator rotor? What if someone is hunting on the property and a stray bullet damages the generator? In both leases I have read, the farmer is liable and must reimburse the wind generator owner.

Most of the wind leases are from 25-35 years with options for renewal. Companies change hands, land is passed from generation to generation or sold, and if the full lease is not recorded, there is no way of knowing what the restrictions might be or what the benefits exist. This hinders everyone in providing a valid estimate of the value of the property and increases the costs of title work, appraisals and title insurance. Simply filing the lease provides the information for an intelligent and knowledgeable decision.

Our long-term goal is to increase the level of knowledge to where a standard legal form will be accepted by parties entering wind lease agreements that provide equitable terms and conditions that everyone accepts in common usage. When that point arrives, hopefully, many in western Kansas will be able to enjoy some of the profits in providing electricity to fuel our nations growing energy needs.

Feel free to contact me on this or any issue. I can be reached by writing to Sen. Stan Clark, State Capitol-Room 449-N, Topeka, Kan. 66612; by calling 1-800-432-3924 or 785-296-7399; by fax at 801-457-9064; or by e-mail at [sclark@ink.org](mailto:sclark@ink.org).

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### garfield

