

from our viewpoint...

Judges don't face public scrutiny

If you get a speeding ticket, you might have to pay a fine, go to court and pay a little more for auto insurance. In many towns, you'd also find your name in the newspaper. Suppose you're arrested for drunk driving. You'd be taken to the county jail, booked and photographed. You'd go to court. You'd pay a really big fine. You might lose your license. And your name, in many towns, would be in the newspaper. No one wants their name in the paper — at least not in connection with a crime — and sometimes people will do almost anything to keep it out. They beg, they plead, they cajole. They ask the police not to release it. They pressure the editor. But under our system, that's part of the price you pay for making a mistake. Our court system is public. Part of the penalty is having everyone know you blew it. You were speeding. You were drunk. You were wrong. That is not a bad thing. If the threat of having your name in the paper keeps just one person from driving drunk, then it is a net benefit to society. This standard does not apply to one select group in Kansas, though. Judges.

Though most are selected by committees in a distinctly non democratic process, and appointed by the governor more or less for life, judges who make a mistake often escape public scrutiny. The Associated Press found that just eight of 65 cases involving violations by judges in the past six years had been made public. It's like, if you're a member of the club, and a gentleman, then a slap on the wrist is sufficient. No need to alarm the public. Though it is our job, as voters, to approve or disapprove of judges' conduct and vote on them every few years, we don't get much information. Even in those cases which did become public, in most, little information was given out. Even a doctor accused of medical violations faces more public scrutiny. Yet judges must stand for election, and voters are supposed to make informed decisions on whether to keep them. In the cities, and for the Court of Appeals and Supreme Court, judges are appointed and usually serve until they retire. They must stand for a "yes-or-no" vote on retention every four to six years, but no Kansas judge has been voted out of office in our memory. Generally, in statewide races, judges win by landslide numbers. That may be because voters don't know why they should not vote yes. In rural areas, by contrast, district and magistrate judges still run for office. They can face a challenge every four years. Sometimes, if another lawyer has the gumption, and voters are fed up, there is a change. Not often, but the threat is there. It keeps courts in line. With the current scandal involving a Supreme Court judge meeting with legislators and discussing the pending school finance lawsuit, we need to take another look at this system. If we are supposed to judge the judges, shouldn't we know when they mess up? — *Steve Haynes*

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Trip didn't start out great, but got better

The trip didn't have a very auspicious start. The train was late and I cut myself on the tickets. We were headed for Milwaukee on Amtrak for a three-day trip with no committee meetings, no seminars and nobody but us. It was no surprise that the train was late. The train's always late. It comes from Oakland and has lots of opportunities to lose time between California and McCook. Steve asked to look at the tickets to check our seat assignments and as I pulled them out of the rubber-banded pack of hotel registrations and miscellaneous important stuff, I gave myself a nasty paper cut. I held it over my head. I applied pressure. It wouldn't quit bleeding. It was 2 a.m. and I was bleeding to death from a paper cut. Luckily, the rest of the trip was better. We had a nice train ride to Chicago and although the connection was tight, we caught the local train to Milwaukee. In Milwaukee, we went out to a semi-famous old German social hall and had sausage, potato pancakes and beer for supper. Not exactly dietic, but authentic local fare.



cynthia haynes

● open season

As we ate, we watched the Brewers game on television. The poor Brewers aren't exactly in the basement, but they haven't won a whole lot of games this year. However, as we watched, the hometown boys beat the Atlanta Braves. The television announcer said that the next day's game would start at noon. Our reason for being in town was an art show with watercolor paintings and photographs by a friend who died about three years ago. The show was at Marquette University, about 10 blocks from our hotel. The gallery opened at 10 a.m., so we walked over and spent a couple of hours looking over the artwork and remembering our friend. Then we caught a cab for the ballpark. Since we didn't have tickets, we bought a couple from an independent businessman (read scalper) at the gate and set up shop just a row behind the Braves' dugout.

At last, Hillary looks stoppable

Suddenly, thankfully, it does not seem that Hillary Clinton is on an automatic trajectory to become the next Democratic nominee for president. Two recent polls suggest problems that may loom in her path. From New York state comes the latest John Zogby poll, forecasting a race for the Senate instead of a cakewalk. For the first time since GOP wannabe Jeanine Pirro dropped out, polls indicate that New Yorkers are having second thoughts about re-electing Hillary. While the former first lady was leading her main opponent, John Spencer, 61-31 in Zogby's Jan. 13 poll, her lead is down to 54-33 in his survey of March 27. Zogby reflects increases in Hillary's negatives across the board — among Democrats, Republicans and independents. He also shows a sharp drop in moderate and conservative support for Hillary, an indication that the shrill tone of her national attacks on the Bush administration and all things Republican is destroying the carefully cultivated bipartisan image she has sold to New York.

The drop in New York is especially interesting since Spencer has yet to wage any campaign. He has not advertised or been heavily covered by the left-leaning Empire State press corps. Hillary is dropping on her own. For his part, Spencer is likely to get enough votes at the Republican state convention to stop his primary opponent, K.T. McFarland, from getting on the ballot. While she could petition her way on, that is a hard task in New York, where one must get signatures in more than half of the counties. In some of these places, Republicans are hard to find. And on the national level, a revealing insight comes from the Marist Poll of Feb. 22. The survey reported that Hillary finished a far-ahead first among her rivals for the Democratic



dick morris

● commentary

nomination, getting 40 percent of the Democratic primary vote to former vice-presidential nominee John Edwards's 16 percent and Sen. John Kerry's 15 percent. But, with Al Gore figured into the race, Hillary's vote share dropped to 33 percent, with the former vice president at 17 percent, Edwards at 16 percent and Kerry at 11 percent. A 33-17 lead over Gore sounds a lot more shaky than 40-16 over Edwards. (And remember, Gore has not even hinted at a candidacy. Once he does — if he does — his numbers are likely to increase rapidly.) Gore turns Hillary's left flank and would be able to use his past and present opposition to the war and hefty environmental record to attract liberals repelled by Hillary's off-again, on-again flirtation with centrism. Democratic animosity toward the Bush administration, approaching an all time high, means that the 2008 primaries are likely to be a kind of audition to see which candidate would do the best against the Republicans. Hillary is suspect because of the way she polarizes the voters. She doesn't polarize Democrats — they all love her — but even the most enthusiastic of her base voters grasps that she is a red flag to independents and Republicans. As for Gore, he has already proved that he can get more votes than the Republican. He just needs to get them in the right states. Gore's popular-vote success is likely to play well when Democrats contemplate the Kerry de-

bacle, just as Nixon's narrow defeat in 1960 looked pretty good after the pasting Johnson gave Goldwater in 1964, good enough to give Nixon another chance. The "electability" issue is the soft-core version of Hillary negatives, which could undermine her in 2008. Meanwhile, Spencer can also run on a soft-core negative. Rather than have to attack Hillary frontally, he can point to her looming presidential candidacy, there for all to see with each day's national speech, and note that he is the only candidate running for senator from New York who wants to be senator from New York. When Hillary ran in 2000, few believed she would run for president. It was not an issue. Her gullible supporters believed that she was moving to New York so that she could become a senator, but it did not enter their minds that she only wanted to be a senator in order to become a president. Now that the second shoe is dropping, New York voters are reassessing their view of Hillary's commitment to their state. And to be asked to vote for her re election when she obviously will move heaven and earth not to have to serve out her term, may be too much for New Yorkers to put up with. If Spencer can get the money his standing in the polls warrants, he could be part of a one-two punch (with Al Gore providing the knock-out) to stop a second Clinton presidency. *Dick Morris was an adviser to former President Bill Clinton for 20 years. E-mail him at dmredding@aol.com.*

garfield

