

## Argument keeps freedom precious for all Americans

*“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.”*

The first amendment to the Constitution, along with the rest of the Bill of Rights, was ratified Dec. 15, 1791 — 212 years ago — and people have been trying to figure it out ever since.

Northwest Kansas and Oberlin are no exception. The folks here have been trying to balance our Midwestern Bible-belt traditions against the expectations and needs of others.

Probably 95 percent of the population of Northwest Kansas are Christians of one variety or another. There are undoubtedly a sprinkling of agnostics, a few atheists, some Jews and probably a few people who follow Mohammed, Buddha, Confucius or one of the other Eastern religions.

How much does the majority have to give up to not offend the minority?

If we lived in Saudi Arabia, where the state religion is Islam, we would keep a low profile.

In the United Kingdom, where our government if not most of our people, takes its heritage, the Church of England as the official religion. Folks with other religions are tolerated, but not encouraged.

When the Founding Fathers were drafting the Constitution and the Bill of Rights, these important, controversial and demanding documents, they fought a lot. They argued and bickered. They complained and rewrote. They had a hard time. Everyone wanted it his way, so they tried to put together a set of rules that

gave the maximum freedom to everyone, even though they were highly suspicious of the Catholics and Jews and didn't even recognize that there were such things as non-Judeo-Christian religions.

Back in northwest Kansas 212 years later, we are fighting the same battles that raged in Philadelphia.

Is it right to have the children in a public school sing religious carols? Does the beauty and history of the music outweigh any religious scruple?

Should we quit calling the school holiday Christmas vacation and start calling it winter break?

What about nativity scenes in public parks and on city and courthouse lawns? Are they examples of the establishment of religion or just symbols of the holiday season?

There's probably no right answer to any of these questions. We, like our forefathers, will be cussing and discussing the problem for the next 212 years.

At least we hope so, because that's what it's all about — this freedom of religion. The Buddhists, Islamics and atheists have the right to complain, to raise a fuss and to upset the comfortable Christian majority. And the majority has the right to point out that tradition and expectations are on their side.

And thanks to all those folks out there who are complaining about what happens in the schools or the way that city, county and state governments handle everyday religious issues. They keep the dialogue going.

And as long as we keep talking and arguing, we'll be a free people, not having to bow to Mecca or report to Rome or read the Bible or meditate or even pray. Freedom is never quiet.

— Cynthia Haynes



## Meetings should be kept open

These letters were sent last week to the Oberlin School Board:

### Letters to the Editor

Dear Superintendent Glodt and Members of the Board of Education:

I have a letter dated December 15, 2003, from *The Oberlin Herald*, addressed to the board and copied to me. I want to take a few minutes of your time to give you some outline of information in regards to the Open Meetings Act.

The overall framework of the law is that the public's business should be done in the open, full view of the people who pay their taxes to support the local unit of government. In our country, the people are the bosses of the government and not the other way around.

Kansas has brought this philosophy directly into the Kansas Open Meetings Act. With this in mind, that the guiding principle of the act is one of openness, the act does allow the local unit of government the right to close certain meetings to the Public in very limited circumstances, i.e. executive sessions.

As I understand it, the newspaper is questioning whether or not a violation of the act occurred insofar as the executive session was called for discussion of non-elected personnel and may have ventured off of this topic. I would caution you to be ever so vigilant of the need to hold to the stated topic. It is true that our Kansas Court of Appeals has adopted the "common thread doctrine" in the State. v. USD 305 case (13 KA2d 117) which allows some flexibility to local units of government to dis-

cuss matters which would not, by themselves, be appropriate for discussion in closed session but which come up during the course of the discussion which is covered under an exception such the non-elected personnel exception.

Attorney General Robert Stephan opined in opinion 88-25 that "discussions concerning consolidation of department and the addition or elimination of job functions or positions are not a permissible topic under the non-elected personnel exception." That opinion also references an earlier opinion (81-39) which states that "discussions concerning groups or employees which do not infringe upon the individual are beyond the purposes for which the exception for personnel matters was created. The proposed discussions do not concern employees as individuals but relate to policy matters and the functions and duties of employee positions. Therefore the privacy interests of individual employee reputations is not at stake, and the public's right to know of discussions concerning such policy matters is paramount."

Any open meetings question is, by its very nature, fact specific. Given that I do not know the particulars of what was discussed in the previous meeting, it is difficult for me to render an opinion. By way of a general philosophy, though, I can

advise that if the discussion is centered on the policy options that the board has without individual names being mentioned or referred to, then that discussion should be in the open meeting, not in executive session.

For example, if the discussion was about whether or not to maintain janitorial staff at both elementary and high school locations, that would seem to be a policy matter that should be in open session. When the discussion turns to which of the janitorial staff would be laid off, then that would be appropriate for discussion in executive session.

Of course, no decisions, no straw polls and no consensus should be developed in the closed session. Those constitute final decisions and should be conducted in open, public session.

Some items that a public body discusses are not ones that are comfortable to do in open session, but the fact remains that this is the law and, more than that, is the right thing to do.

I hope that this letter will help you in your deliberations. As you know I did do a presentation on the open meetings act to the school board about two years ago and would be happy to do it again if requested. If you have any questions, as always, feel free to contact me.

Steven W. Hirsch  
Decatur County attorney

## She likes those 'tacky' letters

Yes, yes, I know, Ann Landers doesn't think Christmas letters are socially correct.

But I love receiving these newsy chronicles. I enjoy hearing about my friends' grandchildren and their husband's latest operation. I am fascinated by others' hobbies and interests, and want to learn of important events in the lives of my acquaintances.

It probably wasn't funny at the time, but I laughed out loud when I read my friend Theo's e-letter. She told of how this year started off with a bang. Following last year's holidays, her husband had gone out to burn the trash at their rural home. The fire jumped the barrel and set the windbreak ablaze, and the rural fire department had to put it out.

Now that was funny. My sister-in-law Mary always sends a nice letter with the highlights of their year. She and her husband Roger are horse people, so her news is centered around horse sales and baby colts. I love it. It's a slice of their life.

This year, Jim and I talked about putting together a letter, but we didn't get any farther than just talking about it. I don't even get Christmas cards sent. Why would I think I could ever get it together enough to write a newsletter? Maybe next year.

—ob—



### Out Back

By Carolyn Sue Kelley-Plotts  
cplots@nwkansan.com

We dodged the rain/snow bullet this weekend, but looking at the extended forecast, we could still have a white Christmas, a prediction I anticipate with trepidation. You see, we are driving to Mexico two days after Christmas. Sure, once we drop into northern Texas we probably won't hit any snow, but there's a lot of road between here and there.

The ministry group we've worked with before, Casas por Cristo, called a couple of weeks ago asking for help. A large group of Mennonites are coming the week after Christmas to build a house for a family in Juarez, and they needed another advisor.

Jim had made it clear that all they had to do was ask and he'd be there. So, here we go again. I really don't serve much purpose on the job site except for moral support and as cheerleader. I shouldn't say that. I can hang chicken wire with the best of 'em, and I stucco like a pro.

—ob—  
Kara called me right after she and her sister had been to the White House Christmas Party and she was impressed as I had been.

"Oh, Mom," she said, "When we were standing there having our picture taken, I pushed so hard on the President's back because I could hardly believe he was real. I was actually touching the President of the United States!"

I asked her if she said anything to him.

"I don't know for sure. I think I said, 'I'm really proud you're my president,' or something dumb like that," she said. After they left the room where the president and Mrs. Bush were having their pictures taken, Kara said she almost cried, it had been such an awe-inspiring experience.

Honey, I can honestly say, "I know what you mean. I felt the same way."

## Town, teachers are watching

Dear board members:

With major decisions regarding the future of Oberlin schools coming up, we would like to remind the board that the Kansas Open Meetings Law requires these decisions to be discussed and reached in open meetings.

The law does allow the board to discuss individual teachers and staff members in closed session, but discussion of programs and policies, even staffing levels, must be done in open session. There have been questions about whether the board has stayed "on task" during recent sessions.

These issues should be discussed in open session, first and foremost, because the schools are the single most important institution in our community. The voters and taxpayers deserve to know what is going on. It is, simply, the right thing to do.

Teachers, the whole town really, will be watching the board closely in the coming weeks and months. Courts can and will overturn decisions made in closed session in violation of the law.

This is an emotional issue. The decisions you make are vital to us all. It might be easier to talk about them behind closed doors, but

people need to understand why you are making them so they can make an informed decision on the local option budget levy.

Openness will be the board's best ally in educating the public. We urge you to examine the need for any closed sessions and to discuss all personnel or staffing matters except those relating to individual employees in open session.

If you have questions about the law, the county attorney, Steve Hirsch, has information.

Steve Haynes, publisher  
Kimberly Brandt, managing editor  
The Oberlin Herald

## Lots of angels helped with tree drive

To the Editor:  
This is an extra special time of year for the Jaycees' Angel Tree. We are able to help provide clothing and a few extras to many of children (up to age 18) of families in need. Of course, we can't do this without the generous help of the people of Oberlin and surrounding areas.

This was an exceptional year for our project. We were able to help 52 children have a brighter Christmas. What a wonderful feeling, not only for us but also for those who helped

us make that possible.

We only wish we could convey the joy felt by those people who bought gifts for these children, and the heartfelt thanks and gratitude the parents expressed when they picked up their children's packages. This could not have been done without the help of an excellent article written by Kimberly Brandt at *The Oberlin Herald*; the numerous caring people, organizations and families who purchased gifts or donated money for gifts; the airtime given by KFNF; and Fredrickson Insurance

who provided us a place to put the Angel Tree.

The past several years, after all the children's needs have been met, we have used any extra donations left to provide each child with something "extra." Last year we were able to purchase Oberlin Red Devil T-shirts with help from Custom Trophy and Engraving. This year we were able to provide each child with a Sunflower Cinema movie certificate, and a certificate to go out to eat in town. It is so wonderful to be able to provide these for the children, as well as patronize and promote Oberlin businesses while doing so.

We owe all those involved a heartfelt "thank you" for helping make 52 children's Christmas so much brighter.

Happy Holidays!  
Abby Hissung and Amanda Farr  
Angel Tree Coordinators  
Oberlin

## Woman thanks helpers

To the Editor:

I want to express my thanks and appreciation to those folks who worked so hard at my burned house — the men who emptied out my attic like a chain gang and the women who washed the head vases, water pitchers and lamps with a toothbrush.

Also to my sons, Dan and Terry,

and Milo and Melissa, for removing a truckload of stuff which was thrown out of the upstairs windows. They all had to wear masks.

Many thanks for all useful items and gifts and the positive notes and visits. I'm too old to start over. I love you all.

Millie Lippelmann  
Oberlin

### From the Bible

Now when Jesus was born in Bethlehem of Judea in the days of Herod the king, behold, there came wise men from the east to Jerusalem, Saying, Where is he that is born King of the Jews? for we have seen his star in the east, and are come to worship him. Matthew 2:1, 2

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