

It's time to change how we choose judges

The people of Kansas might just get a chance to vote on a change in the way we select judges for our high courts in the next year or two. And it's about time.

The system we have is about as undemocratic as you could get. The state went from electing judges to the Kansas Supreme Court and the Court of Appeals to having them appointed by the governor from a short list submitted by a "nominating commission." The governor actually has little say in the matter, except the final choice.

The commission is made up of four members appointed by the governor and five elected by the state's lawyers. The system was made part of the Kansas Constitution after the infamous "Triple Play" of 1957, when Chief Justice Bill Smith, a Republican, resigned early so the incoming governor, Democrat George Docking, would not get to appoint his replacement.

Justice Smith was said to be a strong supporter of Gov. Fred Hall, who then resigned his position. The lieutenant governor, John McCuish, then became governor and, as his only official act, appointed Hall to fill the vacancy for chief justice. He served only two years, however, resigning to run again for governor. (He'd lost the 1956 Republican primary as an incumbent, and lost again in 1958.)

Hall left for California, but his legacy was "reform" of the judicial nominating process. A governor no longer can appoint his friends, because he has no input on the list. Control of the nominations vests mostly in the lawyers, a small group who are expected to rise above politics to select the very best minds for our courts.

But, as a group, who's more political than lawyers? The system mostly has served to perpetuate control of the courts by members of the Topeka establishment, center-left thinkers who in recent years have pushed the state

away from the conservative principles held by a majority of voters.

It's not that the change took politics out of the process, it seems, but that it eliminated any say the voters or the governor have. If the testimony of two conservative members shows anything, the process is so skewed that some commission members deride any nominee seen as a conservative.

Of course, judges have to stand for a yes-or-no "retention" vote every six years, so voters do have some control, but not one judge has been ousted so far.

Compare that to the fairly dignified elections we see for district judge positions in rural areas, and it's hard to see any advantage to the state's process. When a judge isn't seen as performing, voters can and do make a change. And these campaigns seldom revolve around liberal-or-conservative issues.

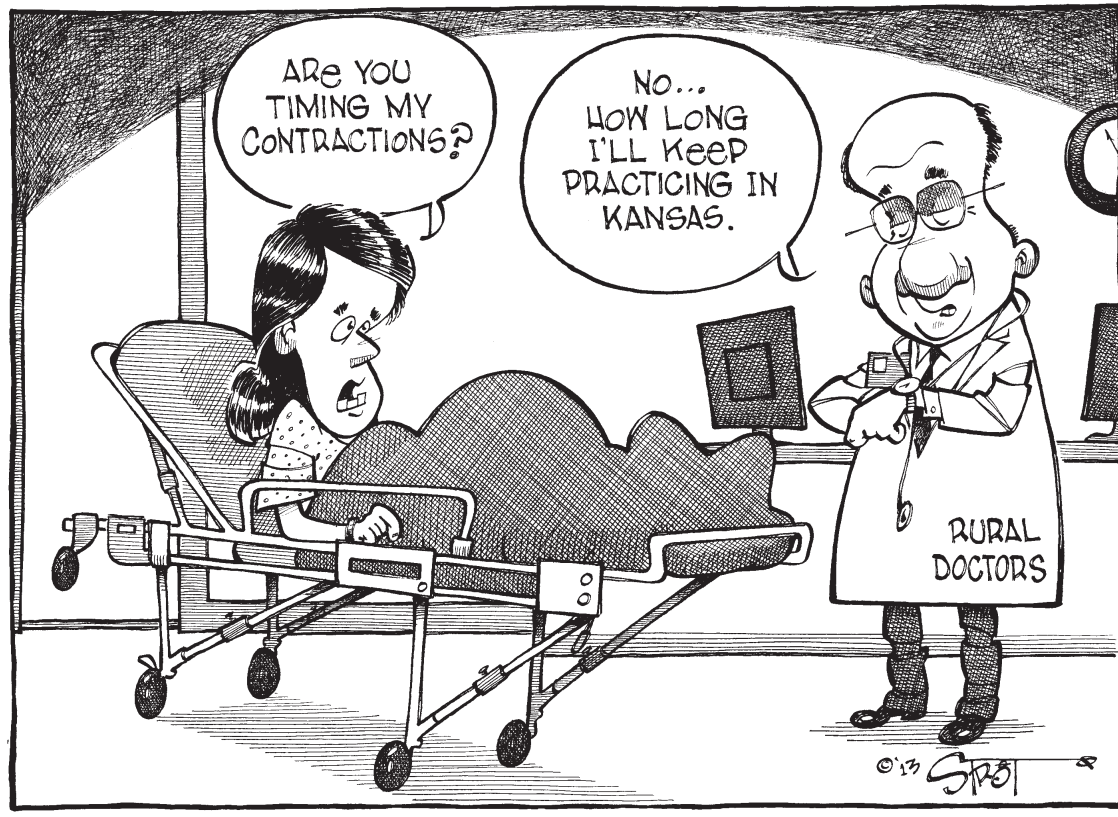
While it's not fashionable to say it, we believe the voters usually make pretty good decisions. They could handle selecting our judges. However, it might be more difficult for us to know candidates in a statewide race.

How to change the system? One plan is to give the governor back at least part of his power to make selections. Another is to keep the nominating commission, but make the judges subject to confirmation by the state Senate, as in the federal system.

Or we could just let the voters decide. They did it for years.

None of those ideas would guarantee a conservative court, or a liberal court, for that matter. Appointing judges to what amounts to a lifetime job can be a dicey proposition, as any number of presidents have learned. Judges can be mighty independent when they feel like it.

But giving both the governor and the people more say — and the state's lawyers a little less — makes sense to us. — *Steve Haynes*



Chicks moved to new home

The baby chicks we hatched last summer are almost full grown. They have been moved to temporary quarters right next door to the hen house, with a chicken wire fence between the two enclosures.

You should see the old rooster. He patrols the fence line like a soldier on watch. I fear that if one of the young roosters sticks his head through the fence, the old "General" might just take it off. And I'm not sure if the old guy is more interested in attacking the young roosters or trying to make the acquaintance of the young "chicks."

Jim has to get busy and build another laying box because one of the pullets laid her first egg. Not too big, but definitely an egg. That puts us one step closer to "retiring" the old girls.

-ob-

It's like the Pied Piper of Hamelin when Jim calls the cats. It's his job to feed them. And all he has to say is, "Here, kitty, kitty."

Cats come thundering from every direction. Yes, thundering. Not soft, quiet little kitty footsteps. Big, loud pounces that say, "Outta my way. I'm hungry." All three like me, or at least tolerate me, but at meal time,

-ob-



Out Back

By Carolyn Sue Kelley-Plotts
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they are all Jim's.

They don't know it yet, but their cushy lifestyle is about over. In less than a month, they are getting the boot outdoors. When we learned of our Guatemala trip, I said to Jim, "The cats have to go out. I am not leaving them in the house while we're gone and ask someone to not only feed them, but put them out in the morning and expect to get them back in at night. You have a month to figure out new sleeping arrangements for them."

Looks like the north porch will become their new home. It's protected. They can each have sleeping boxes and our next-door neighbors have already volunteered to feed them.

-ob-

Judging by the number of geese

we've seen flying north, it looks like we may have an early spring. Recent days have been almost balmy. I know spring is coming, because a farmer friend said, "I'm itchin' to get some seeds in the ground."

Of course, Mother Nature has to throw in a few miserable windy days just to remind us that she's not through with winter yet.

-ob-

Over the weekend, I needed one of those long, hot soaking bubble baths. My weary bones were aching. As I was filling our enormous Jacuzzi bathtub, I slipped and almost fell in. It made me laugh, and I said to Jim, "If I had fallen in, it would have made a tidal wave."

Jim said, "No, it would have been a Carolyn Sue-nami."

Leave your knife at the door

A visit to the Statehouse in Topeka brought home the fact that this is still a working person's state.

While the state has spent millions of dollars repairing, painting, polishing and updating the 150-year old building, and she looks great, what I noticed is the guard at the door.

Like most statehouses and quite a few courthouses, you have to empty your pockets and walk through a metal detector. A guard checks you through and you are on your way to see your legislator or just wander around.

Your representative will still have a tiny office in a row with other representatives and your senator perhaps a little bigger space, but both will say that its a big upgrade.

But, back to the entry.

I slid through the checkpoint like melted butter. I've done this a hundred times in buildings and airports. Steve, however, was carrying his Leatherman Tool — a sort of updated Swiss Army knife.

The guard offered to hold it for him, putting his name on a sticky note and laying the tool carefully on top of the X-ray machine from which my purse was just emerging. While, I'm short and had a bad angle, it looked to me like it was



Open Season

By Cynthia Haynes
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the fourth or fifth item to be placed up there.

On our way out, Steve asked for his Leatherman Tool and the guard asked him his name noting that he had two of them on hold.

Since it was a slow time of the day and there was no one behind us, I asked the guard how many "knives" he usually had.

He grinned and said up to a dozen from time to time, but the record, he said, was day the Pepsi truck drivers visited the capitol. By the time they were done going through the machine, there were 53 box cutters sitting on top, he said.

Last year, after all the legislators had gone home and there were few visitors to the capitol, they had 13 unclaimed sharp things no one had remembered to pick up. These were placed in an evidence locker,

he said.

It just shows that no matter how fancy some of the suits going through those doors are, there are still a heck of a lot of working people with pocket knives, box cutters and other sharp things visiting the statehouse. And that's a good thing.

In the U.S.A.

"It is impossible to rightly govern a nation without God and the Bible."

George Washington, general, revolutionary leader, first president, 1732-1799

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Denver man has ideas about pool

To the Editor:

Always enjoy receiving your great newspaper here in the Queen City of the Plains, Denver, Colo. Glad to see the wheat crop doing better.

I must comment on your great mayor. In my opinion, he is right on target on asking where the money is coming from to build the pool. Voters in your city and county should elect him to Congress, where he can ask the same question.

We keep borrowing and build-

ing all the way to Oberlin. It is an epidemic of spending money that we don't need with money we don't have. Sure, a new pool is great, but get some donations and fund raisers and service clubs to build it for pennies on the dollar.

Bob Sweeney, Denver
Former mayor of Craig, Colo.

Letter to the Editor

Write

The Oberlin Herald encourages Letters to the Editor on any topic of public interest. Letters should be brief, clear and to the point. They must be signed and carry the address and phone number of the author.

Mail letters to 170 S. Penn Ave.,

Oberlin, Kan., 67749, or by e-mail to oberlinherald@nwkansas.com.

We do not publish anonymous letters. We sign our opinions and expect readers to do likewise.

We do not publish form letters or letters about topics which do not pertain to our area.

From the Bible

Know ye not that they which run in a race run all, but one receiveth the prize? So run, that ye may obtain. And every man striveth for the mastery is temperate in all things. Now they do it to obtain a corruptible crown; but we an incorruptible. I therefore so run, not as uncertainly; so fight I, not as one that beateth the air: but I keep under my body, and bring it unto subjection; lest that by any means, when I have preached to others, I myself should be a castaway.

1 Corinthians 9: 24-27