



Free Press Viewpoint

High court ripe for reform

Is it wrong to want the Kansas Supreme Court to be more responsive to the will of the people?

Apparently, Sen. Sam Brownback, the Republican candidate for governor, is taking some heat this week for comments that the process for selecting justices could stand some reform.

The Democratic candidate, Sen. Tom Holland, ridiculed his opponent. An Associated Press analysis piece claimed that his comments meant Mr. Brownback was on the far right.

Anyone who's watched Sam Brownback's political career knows he's a conservative, of course. He's never tried to hide his beliefs. But he keeps getting elected by big margins, so there have to be a lot of people voting for him. Maybe most of them don't like abortion or big government – or left-leaning judges – either.

The Kansas Supreme Court raised a lot of questions about its objectivity when it forced the Legislature to add more than \$1 billion to school spending a couple of years ago. Many people, some of them far to the right, others more moderate, criticized the court for exercising powers that a lot of them saw as belonging to the Legislature under the state Constitution.

The real questions here are, is the selection process for the court fair and democratic and would changing the process restore some sense of humility to the justices?

Kansas Supreme Court justices hold their jobs until they die or retire. While theoretically, voters could remove a justice by simply voting against him or her during every-six-years "retention" votes, the truth is, no Kansas justice has been removed by that process.

In districts where judges still run for election, voters can and do remove a judge now and then. Usually, the issue is based on performance on the bench, not a judge's political views or decisions. But everyone agrees the electoral process makes judges think about how they handle issues.

The point is not to bend judges to the will of the voters, but to force them to at least consider it. Unpopular decisions sometimes are what a case calls for, after all.

With the Supreme Court, the selection process has been changed until it's anything but democratic. The governor gets three names to choose from, selected by a panel dominated by lawyers which meet and take votes in secret. If the governor fails to act, the chief justice gets to choose for him or her.

The people have no say, no voice. A federal lawsuit challenging the system was filed this summer, but a decision could be years away.

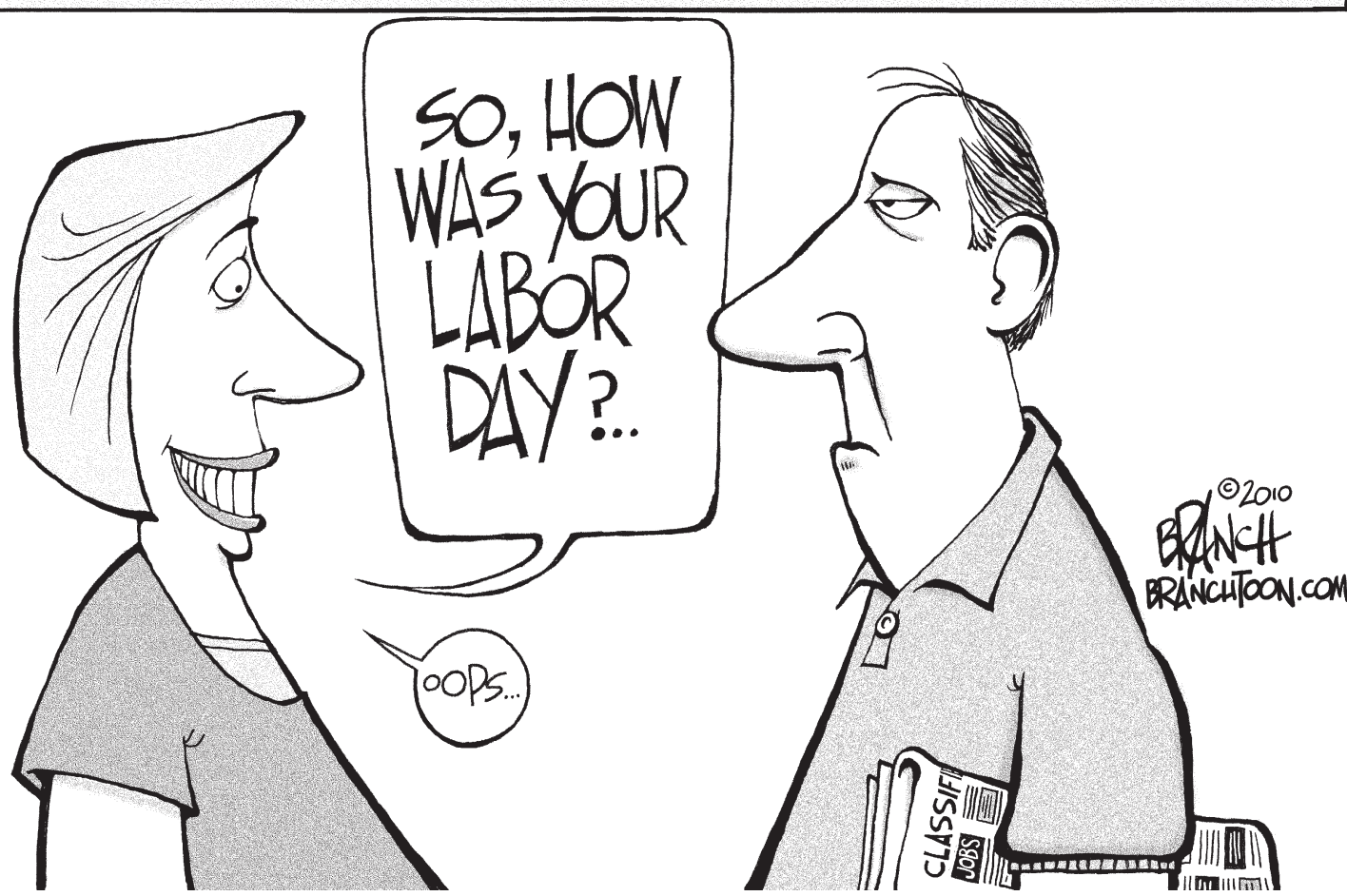
One proposal for change is to let the state Senate vote on the governor's nominees. Similar to the way federal Supreme Court justices are selected, this plan could at least provide a forum for public comment and push the process closer to the center. No one doubts today that the court leans to the left.

However, pro-school forces made sure that an amendment to change the selection process went nowhere in the Legislature the last few years. Courts are not supposed to be about one side or the other, however, but about the Constitution and the law.

So, Sen. Brownback has a lot of company when he questions the court selection process. If that makes him right-wing, so be it.

But many, including this newspaper, think it's high time the court is called to account for its decisions. Perhaps with a Republican governor, something will be done. – Steve Haynes.

A QUESTION ONE SHOULDN'T ASK 9.6% OF AMERICANS...



Encounter offers view of the wild side

We could tell she was in trouble.

With sprinklers periodically soaking her on one side and inquisitive cats peering from the other, after dark in the middle of the street is no place for a young girl out on her own.

That's where we found her, struggling to make her way south. At six months, a sharp-shinned hawk can usually fly anywhere it wants. This one was flying nowhere. Even her walk was hesitant.

My wife and I were out for a walk when we first saw her. At first, she just looked like a speckled blob tottering noiselessly through the night. Big enough to be a pigeon, but much too dark, she didn't fly away as we approached in the gathering gloom. She didn't even try to avoid us, but remained determined to head to some unknown destination, even if she had to shuffle between my legs to get there.

Something was clearly amiss. When she spread her wings once and flew all of three feet, we could tell no bones appeared broken, so my first thought was she had fallen from her nest and was too young to fly. Returning her would be impossible. Even if we knew where the nest was, she was wet and cold, and it was getting dark.

Between cats and traffic, things didn't look good, so we decided to take her home.

The cat eyeing us from the other side of the street probably wished we'd just leave her alone and go away.

What we could do for her at home was problematical. Buying time by keep her warm, safe from other predators, maybe find something to eat for starters, while figuring out the next step. Like what she even was. A raptor for sure, but



Evan Barnum

• Slightly Off the Wall

which kind? Peregrine falcon, Cooper's hawk, Merlin?

We put her in an unused bathroom for the night. Easier to clean up. I stayed up later than I should have, looking at bird pictures on the Internet.

One thing to note if you bring a wet – or dry – hawk into the house. After a few hours, your nose knows. They're ... aromatic. Eventually you could tell something was around, even upstairs.

The next morning, she was still alive, though disheveled. Grooming didn't seem to be on her list of priorities. Not much of anything did. Raw chicken, hamburger, hot dogs, even a cricket didn't interest her. She did take a couple of swipes at the chicken, but she also took some at my bare fingers. I think she was just irritated. Pretty much her whole demeanor, polite though it was, said "please go away."

Mostly we did. But the question remained, what next? We certainly couldn't keep her. We considered putting her out in the fenced back yard so she could fly or hide as she chose. Then we saw another cat wander through. And by now it was clear this was no fledgling just learning to fly, so there was something else going on.

Something that, perhaps, a wildlife rehabilitationist could recognize. So I called the wildlife biologist in Colby to find out where one was. Turns out, according to District Wildlife Biologist Matt Bain, the closest one is in Hays. From the picture I sent him, he identified her as a sharp-shinned hawk, probably around six months old. And, with no visible wounds, likely sick from something she ate.

Hays was a long way to go to find out.

The best plan, Bain said, given the conditions, was to find some trees outside of town, away from the domestic cat population. There she might have a chance to recover, and find food that interested her. Ours certainly didn't.

So we did, perching her on a low branch, up out of easy reach of passing critters, but not so high that she'd be injured if she headed for the ground. There we left her, ruffling her feathers against the cooling night air, since we weren't equipped for long-term care. With a parting prayer for her safe recovery.

Mother Nature is not forgiving. If she was, we would soon be buried in all the offspring that birds, rabbits, mice, cats – even flowers and bacteria – can produce. But knowing that doesn't make the loss of something in your care any easier when dealing with a defenseless, sick creature, like our hawk.

We're hoping she gets better. But if she doesn't, we don't want to know.

Evan Barnum, who does technical support and troubleshooting for the Colby Free Press and all of Haynes Publishing, is expected to be the calm in a storm of crisis, though some disasters loom bigger than others.

Common sense keeps kitchen safe

There is anxiety about food safety in our country today. The most recent example is the half-billion-egg recall. People are worried about the safety of the eggs they eat.

While some food-safety problems occur on the farm, many more occur in the kitchen, where food can be mishandled or improperly prepared.

Keeping food safe is everyone's business. Yours and mine.

The way we handle, store and cook food can mean the difference between a satisfying meal and a bout with E. coli or salmonella. Keeping food safe requires a few tried-and-true steps. Keep food clean, keep it separate, cook it completely and always chill it.

When shopping, keep eggs and raw meat separate in your grocery cart from foods that do not need to be cooked. This helps avoid cross contamination.

To prevent raw meat and poultry from contaminating foods that will be eaten without further cooking, enclose individual packages of raw meat or poultry in plastic bags. Position packages of raw meat or poultry in your shopping cart so their juices cannot drip on other food.

When purchasing products labeled "keep refrigerated," do so only if they are stored in a refrigerated case and cold to the touch. Buy frozen products only if they are frozen solid. Never buy something that feels mushy.

As wise and safety-conscious shoppers, it is our responsibility to keep food safe once it leaves the grocery or meat market. Always shop for perishables last. Keep refrigerated and frozen items together so they will stay cold.



John Schlageck

• Insights
Kansas Farm Bureau

Place perishables in the coolest part of your car during the trip home. Pack them in an ice chest if the time from store to refrigerator will be more than an hour.

You can prevent E. coli infection by thoroughly cooking ground beef, avoiding unpasteurized milk and by washing hands carefully before preparing or eating food.

Cook your eggs to at least at 160 degrees Fahrenheit. This is where the yolk is firm. Eliminate recipes that use raw eggs, such as meringues that are whipped up from raw egg whites and folded into mousses or pies for example. Pre-pasteurized egg whites are an option for these recipes. Completely cooked is completely safe.

Fruits and vegetables should be washed well, but washing may not remove all contamination. Keep a separate cutting board for raw meats and another for food preparation that does not require cooking, such as salads. Again, this simple step helps avoid cross contamination.

Keep food chilled. Meat, lettuce and eggs should be stored in a refrigerator that is between 33 and 40 degrees. Keep eggs in the original container in the main body of refrigerator, not in the egg carrier in the door.

Minimize the time in and out of your fridge. It is difficult to keep the temperature constant, especially if you have a family that keeps opening the door.

Never leave cooked eggs or other perishable foods sitting out on the counter. Put them in the refrigerator. The rule is, if perishable food is left two hours at room temperature, it should be thrown out.

While most of these tips sound simple, a common-sense approach the next time you shop and cook could ensure safer food for your family.

John Schlageck of the Kansas Farm Bureau is a leading commentator on agriculture and rural Kansas. He grew up on a diversified farm near Seguin, and his writing reflects a lifetime of experience, knowledge and passion.

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We do not publish anonymous letters. We sign our opinions and expect readers to do likewise. Nor do we run form letters or letters which do not pertain to our area. Thank-yous should be submitted to the Want Ad desk.

Letters will not be censored, but will be read and edited for form and style, clarity, length and legality.

Mallard Fillmore

• Bruce Tinsley



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