



Other Viewpoints

Voting rights can't discriminate

Kansas doesn't ban people with mental illnesses from voting. But believe it or not, the state's Constitution allows the Legislature to do that, which is discriminatory and offensive. Voters should approve a constitutional amendment on the November ballot that would eliminate mental illness as a possible voting disqualification and protect the right to vote. The Kansas Constitution used to prohibit people under guardianship, those who were "not competent," or those who were "insane" from either voting or holding office. In 1974, voters removed that prohibition and replaced it with language allowing the Legislature to pass laws to "exclude persons from voting because of mental illness or commitment to a jail or penal institution."

Because "mental illness" isn't defined, it could apply to more than 500,000 Kansans, according to Karen McNally, director of community support services at Comcare of Sedgwick County. That could include people with depression, anxiety or attention deficit disorder or veterans with post traumatic stress disorder.

Sherri Luthe, director of parent advocacy at the Mental Health Association of South Central Kansas, told *The Eagle* editorial board that the term "is so broad that it could include anybody's family member."

Though the Legislature hasn't acted on this authority, the fact that it is enshrined in our constitution stigmatizes people who have mental illnesses. What's especially offensive is that Kansans with mental illnesses are lumped in with criminals as people the Legislature can keep from voting.

I don't feel good being judged like a criminal, Lynn Kohr of Wichita told the editorial board. She noted that she and others who have mental illnesses work, pay taxes and take their voting responsibilities very seriously.

In addition to being hurtful, banning someone with a mental illness from voting would be unconstitutional. In 2001, a federal judge ruled that a provision in Maine's constitution that denied voting rights to people under guardianship because of mental illness violated the equal protection clause of the 14th Amendment of the U.S. Constitution.

There is no organized opposition to Kansas' proposed constitutional amendment – nor should there be. The Legislature approved the amendment last year 122-0 in the House and 38-1 in the Senate. And both gubernatorial candidates, Republican Sam Brownback and Democrat Tom Holland, support the amendment.

Still, supporters worry that the amendment might be off the radar screens of many voters. As a result, voters might not understand the issue. Proponents also are concerned that some voters might not make it to the second question at the end of a long ballot.

Even though voting rights aren't being denied now, Kansans need to do what is right and remove this archaic and offensive provision from our constitution. Vote "yes" on amendment question No. 2.

– *The Wichita Eagle, via the Associated Press*

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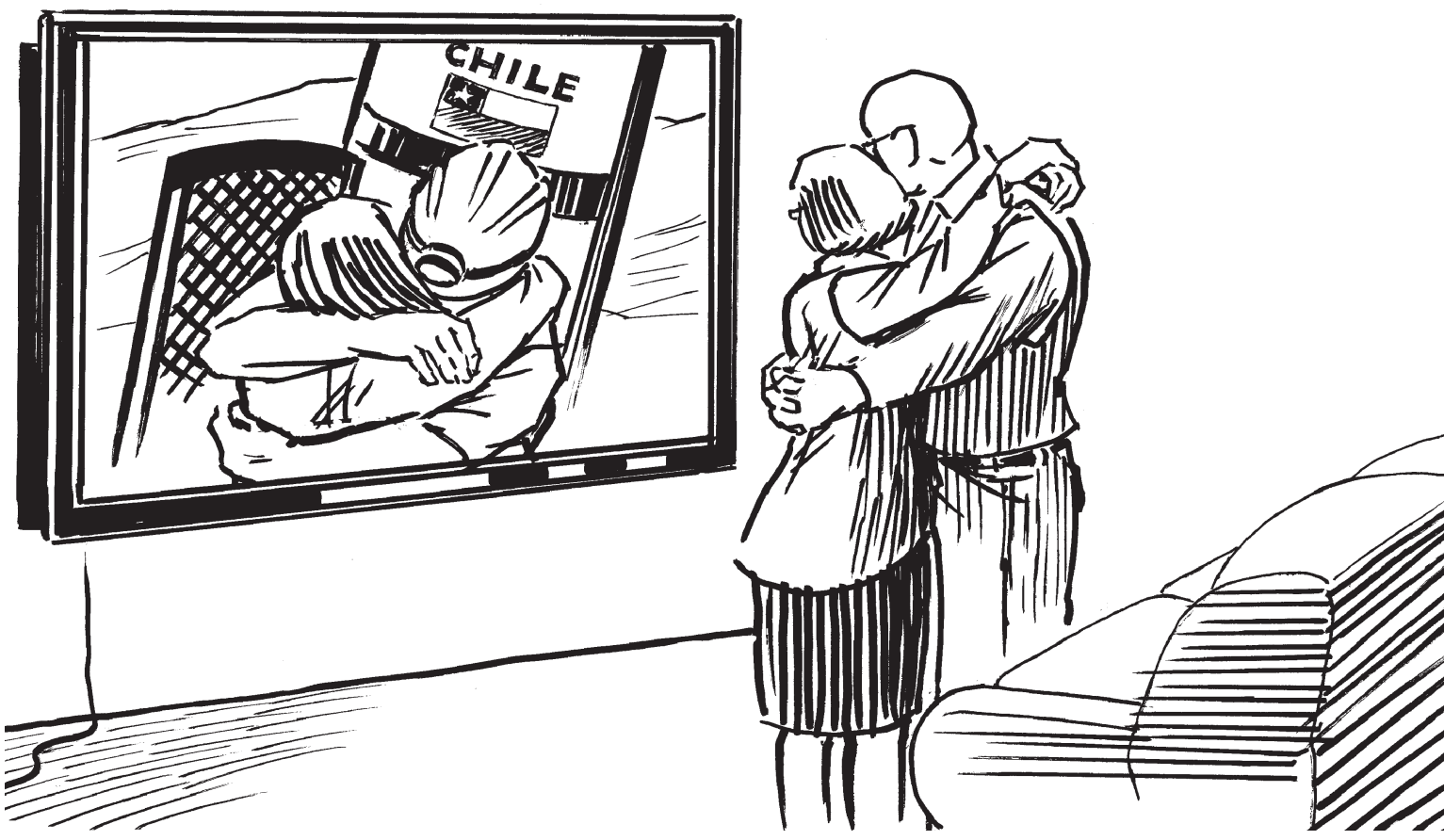
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THE SACRAMENTO BEE REX BABIN



Free speech cuts both ways

Not too long ago I wrote an editorial lamenting how my adopted town of Colby had gotten itself on the news for something bad. Well, unfortunately the same thing happened to my hometown of Loveland, Colo., last week while I was home for a small vacation.

On Wednesday, Oct. 6, a woman carrying a crowbar made her way into the Loveland Museum, broke the display case, took a painting and ripped it to shreds. The woman had driven all the way from Montana to destroy this painting (which was a print, not an original). This particular painting had been at the center of controversy in Loveland for several weeks. Apparently, the painting by Enrique Chagoya depicted Jesus in a sex act. There had been protests, schools had cancelled field trips and on Wednesday the painting was destroyed.

I was on the road most of that day and then out with some old friends that night, I didn't find out till the next morning. My dad had seen it on the national news while at the gym.

A little background is required. For those who don't know it, Loveland is a city of about 60,000 on Colorado's Front Range. In the 26 years since I was born there it has nearly doubled in size, but despite its huge growth spurts, Loveland has always fancied itself a small, cultured town. They let people paint the utility boxes and encourage murals on store buildings. There are sculptures just about everywhere: downtown, in the parks, in the new shopping center east of town. Just a few blocks from my parents' house is a beautiful sculpture park. There's a thriving community of artists, foundries cast bronze sculptures that go all over the world. Every year it has an absolutely gigantic sculpture show. There's an arts council that manages all of this.

The city has a 300-piece publicly-owned art collection. The museum was built when I was



Kevin Bottrell

• Simple tricks and nonsense

a kid, and always had interesting art, science and history exhibits.

A more ridiculous example is how the city renamed the Loveland Golf Course to The Olde Course at Loveland, just cause it sounded fancier.

The flip side of the coin is that Loveland is politically a very conservative town. For every five pieces of art that go up, one gets protested. I can remember several sculptures that depicted naked women that had to be moved or were not put up at all. Another time, a magnificent giant wood sculpture of a native American was deemed offensive and moved out of town. This sculpture is part of the Trail of the Whispering Giants; one of 74 across the U.S. and Canada. It was something of a town landmark that every school-age kid knew and I was saddened when it was moved out where few people would see it.

The dual nature of the town brings up a lot of free speech questions. What is OK to display and what isn't? Where should potentially offensive art be shown?

Personally, I've never liked shock art. I like beauty in art. I like the feeling you get from the way an artist uses color in a landscape, or brushwork on an animal or the way they mold a lumpy piece of clay into something extraordinary. Some people disagree. Some people see art as a way to call attention to things, in this case the recent Catholic priest scandal.

Had I seen this piece, I don't think I would have liked it.

But because I don't think I'd like it, would I want to see it suppressed or destroyed? No.

I think that free speech is not only a right but a responsibility. We have the right to speak, yes, but when should we speak? When should we let someone else speak? Is it fair to use your right of expression to suppress someone else's? I don't think so.

This artist has the right to use his chosen medium to make social commentary, and I have the right to see it or ignore it. I also have the right to publicly say why I chose either one.

The price for living in a society where free speech is allowed is that people might say something you don't like. You have the right to tell your neighbor that you thought he said something offensive, but you don't have the right to hit him over the head with a hammer for the comment.

In the wake of the vandalism, the *Loveland Reporter Herald* web site put up a poll that asked if people think stricter guidelines should be set regarding the display of "potentially obscene or profane works" at the museum. The results this morning had 83 people in favor of stricter guidelines set by the museum, 185 in favor of guidelines set by city code and 366 opposed to stricter guidelines. I'm glad to see that, despite the controversy surrounding this artwork, the principal of free speech remains alive and well in my hometown.

Now, if only my towns would stop getting in the news for bad things.

Kevin Bottrell, news editor of the Colby Free Press, is a Colorado State University graduate who believes that the middle road is often the high one. Contact him at kbottrell @ nwkan-sas.com

Take care in changing school funding

This political season has brought out several plans to restructure school finance.

One suggests a return to a pre-1990s formula for school funding with little detail. The other is a detailed plan for the state to pay base state aid per pupil from the general fund and leave the substantial "extras" for at-risk students and other problems to local property taxes, with a "tripwire" for when the difference between rich and poor districts gets too great.

The problem posed by both plans are summed up by that old song "Ain't We Got Fun" – "the rich get richer and the poor get poorer."

I began placing student teachers across Kansas in the 1980s. I sent some to teach at small schools in old buildings. Asbestos-wrapped pipes were just within code. There was little lab equipment. Salaries were low.

Others did their practice teaching at average suburban schools. I placed a few at schools that were very wealthy. One district had high teacher salaries, less than 10 students in classes, carpeted halls and the best equipment because the district had a plant in its tax base.

But by the mid-1990s, the revised school funding formula was providing for Kansas schools more equitably.

Nevertheless, the current school finance plan remains a complex formula with weightings for at-risk students, tech courses and more factors to distribute both state and federal money. Still, we have pressure from rich districts to



John Richard Schrock

• Education Frontlines

increase their local funding.

The local option budget for raising local property taxes has allowed some disparity to return between rich and poor schools, and there is always pressure to raise the cap. I again see a difference between facilities available to a student in richer districts and those in the poorer ones. And when there is a teacher shortage, it always hits the smaller and poorer districts first because the richer districts can hire away teachers away with higher salaries.

The underlying principle to school funding is that every Kansas child should have an equal opportunity for an adequate education. That is spelled out in the Kansas Constitution and it will not go away just because a Supreme Court ruling is unpopular.

That is also the first problem faced by proposals to turn back the clock to the old system. The present formula has passed Constitutional muster. The earlier formula did not.

And the new plan to fund only basic per pupil cost from general funds and throw the rest to the school board to support through prop-

erty taxes ignores the fact that poor districts are the ones already near bankruptcy under the current plan.

Both systems throw more tax resources to the rich districts at the expense of students attending the generally smaller and rural poor districts. It is reasonable to ask if a new plans could pass Constitutional muster.

The second problem is that reliance on property taxes will accelerate consolidation. We have already dropped from 303 to 293 districts, with more in process, as small rural schools go broke.

Both new proposals can be labeled school consolidation plans, because that is just what they will cause. The depopulating rural communities lack industrial tax revenues and have lower property valuation. They lack the ability to raise local school funding.

Political parties and candidates have been absolutely spineless in their avoidance of the "c" word. Beyond tepid remarks about local decision making, they ignore the fact that these altered funding plans will drive consolidation.

Return to rich schools and poor schools? Speed up school consolidation? We must ask the hard questions now, or live with the wrong decisions after November.

John Richard Schrock, a professor of biology and department chair at a leading teacher's college, lives in Emporia. He emphasizes that his opinions are strictly his own.

Mallard Fillmore

• Bruce Tinsley

