

Other Viewpoints

Regulators should regulate themselves

The state's utility regulators need to regulate themselves. They need to stop violating open-meetings laws and bad-mouthing a consumer watchdog agency.

The Kansas Corporation Commission was slapped last month with a \$500 fine for violating the Kansas Open Meetings Act – the maximum fine allowed by law. The violation involved a process dubbed “pink-sheets,” in which a staff attorney circulates a proposed order individually to each of the commissioners and obtains a signature from each indicating approval. The signatures take the place of a vote in an open meeting.

This process was used earlier this year to more than double the water rate for a small community near Salina without holding an open meeting. The court order invalidated that rate decision and prohibited the commission from using the process.

This isn't the only problem the commission has had with open meetings. Last summer commission staff shut down a videoconference feed of an open meeting to its Wichita office after an *Eagle* reporter tried to watch it.

The commission has also had serious management problems. Last summer it forced out its executive director after the *Topeka Capital-Journal* obtained an audit reporting widespread complaints about her management practices and behavior.

Last month, two days before a court-imposed deadline expired, the commission approved new guidelines for how it will conduct business in compliance with open-meetings laws. This month's court order didn't cover whether the new guidelines comply with open-meeting requirements. But the Citizens' Utility Ratepayer Board, a small state agency that represents residential and small-business customers, objects that guidelines allow for “deliberative meetings” behind closed doors.

The citizens' board was already in the doghouse with commission Chairman Mark Sievers. He recently said the Corporation Commission should investigate whether the board's expenses are reasonable – raising concerns that the commission was trying to control the board. He also included a statement in a recent case docket criticizing the Ratepayer Board for being adversarial and filing “unproductive litigation.”

Such criticism didn't sit well with David Springe, the Ratepayer's Board's consumer counsel, the *Capital-Journal* reported.

“We call that ‘unproductive litigation’ trying to protect our clients' rights in front of this tribunal,” Springe said. “There's a little thing called ‘due process.’”

Rather than criticizing the Ratepayer's Board for being too adversarial, the commission should be more like the Ratepayer's Board. Instead of wanting to make rate cases easier on the utilities and on itself – such as Sievers' suggestion last week that the commission stop requiring cost studies if a rate-increase request is less than 10 percent – the commission needs to conduct its business in open meetings and make protecting consumers a priority.

In other words, the commission needs to be more like a watchdog and less like a lapdog.

– *The Wichita Eagle, via the Associated Press*

We encourage comments on opinions expressed on this page. Mail them to the *Colby Free Press*, 155 W. Fifth St., Colby, Kan., 67701, or e-mail colby.editor@nwkansans.com.

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Diplomat started with broad education

At the end of World War II, militant hawks wanted the West to pivot to a direct major confrontation with the Soviet Union. Instead, the Cold War stayed cold. Why?

In 1946, our Treasury Department requested an analysis of Soviet perspectives. Since Ambassador Harriman was away, deputy chief George Kennan responded with “the long telegram” that brilliantly outlined a strategy for handling diplomatic relations with the Soviet Union. Navy Secretary James Forrestal was so impressed that he brought Kennan back to head foreign affairs at the National War College.

By 1948, Secretary of State George Marshall had Kennan head the brand new Policy Planning Staff, a high-level government think tank. Kennan realized that the punitive war reparations imposed at the end of World War I led to the rise of Hitler, and that path should not be taken again. Kennan became the intellectual architect of the Marshall Plan that helped rebuild a devastated Europe.

The basis for Cold War containment came from his in-depth knowledge and experience with the Soviet peoples. He advised against any total war scenario. Under attack, a people will unite under the most despised despot. But let the Soviets get embroiled in little uprisings and the people will be disgruntled with their leadership. Simply: “limited wars against Russia damaged the regime in power more than did total wars.” Under Truman, Eisenhower and later presidents, Kennan's policy prevailed.

Why am I discussing history in an education column? With some Kansas universities closing down their foreign language programs, I am concerned that we may no longer produce such wise men.

The young Kennan graduated from Foreign



John Richard Schrock

• Education Frontlines

Service School in 1926 and served in Switzerland and then Germany where he studied the history and politics of Eastern Europe and Russia. He mastered Russian, German, French, Polish, Czech, Portuguese and Norwegian.

Kennan was then assigned to a series of critical posts from Latvia to our legation in Prague. When the Czechoslovak Republic fell to Nazi Germany, Kennan was assigned to Berlin and was interned in Germany for six months after the U.S. entered the war in 1941. When released, he was posted to Lisbon and then to London before Harriman called him to serve in Moscow.

Today, many Americans think that every country needs to be “just like us.”

But Kennan knew that democracy cannot be exported: “National strength is a question of our internal strength, of the health and sanity of our own society.” He felt that “America could not and should not attempt to tell other people how they should live their lives – Americans' moral responsibility was for their own lives.” The only way we influence others is by example, not by preaching or military coercion.

When asked how to counter the Soviet threat, he replied that we had to first look to “...our American failings, to the racial problem, to the conditions in our big cities, to the education and environment of our young people, to the growing gap between specialized knowledge and popular understanding.” In 1952, he wrote

in the *New York Times*: “Let us not attempt to constitute ourselves the guardians of everyone else's virtue; we have enough trouble to guard our own.”

Lee Congdon's biography of Kennan, subtitled “A Writing Life” describes why we should pay attention to the founder of this school of political realism. Kennan was expert with prose, but he had to suppress beliefs he knew would be unpopular and would have undermined his career. Kennan advocated for professionalism in politics – the need for statesmen of proven ability and judgement to be shielded from the whims and pressures of public opinion and the vulgar requirements of seeking elected office – he saw this as a weakness of democracy.

Kennan felt that liberty “possessed a value only in a well-ordered society. Otherwise, it degenerated into license.” But he realized that if he publicly discussed the shortcomings of our democratic system, he would be charged with supporting tyranny.

Now that we face total governmental dysfunction, Kennan would have some allies today.

Perhaps with the “right” to vote, comes our “responsibility” to be better educated.

Kennan died in 2005. At the Institute for Advanced Studies are engraved these words by Kennan: “True scholars often work in loneliness, compelled to find reward in the awareness that they have made valuable, even beautiful, contributions to the cumulative structure of human knowledge, whether anyone knows it at the time or not.”

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.

Bankers protest mortgage tax

To the Editor:

Did you know that Kansas is one of only nine states that imposes a registration fee, which Kansas courts have declared to be a tax, on purchasers of real estate when they take out a loan to finance that purchase?

A person who has cash to buy a home or land isn't required to pay the tax. Borrowers who use government-sponsored lenders, such as Farm Credit, are not subjected to the mortgage registration tax. In other words, this tax is not fairly applied to all borrowers, let alone to those who use cash to make their purchase.

In Kansas, purchasers of real estate requiring financing from a community bank, savings and loan or credit union must pay this tax of 26 cents per \$100 of indebtedness. On a typical \$150,000 home loan it adds \$390 to the borrower's closing costs. On a farm or commercial real estate purchase, it can add thousands



Free Press Letter Drop

• Our readers sound off

of dollars. Almost all of the tax, 25 cents per \$100 borrowed, goes directly to the general fund of the county where the property is located.

This begs the question, why does Kansas discriminate against people who need to borrow money to buy real estate? This tax singles out a small segment of the population for unfair tax treatment. It isn't a coincidence that 41 states across the nation do not impose this tax.

A mortgage registration tax penalizes those who seek to invest in their community and grow equity for their future.

This tax should not be confused with the mortgage recording fee that is also paid by the borrower. The recording fee is also payable at closing and specifically established to cover the costs associated with recording mortgage documents. The tax we are working to repeal is a tax in addition to the recording fee. Since both are required to be paid before the mortgage is filed, a borrower essentially pays twice to record the same document.

The Kansas Bankers Association is part of a coalition working to eliminate this unfair tax. Fair tax policy is possible, and now is the time to level the playing field for all Kansans.

Gary Walter, president
 The Bank, Oberlin

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