

## Why supreme court rulings are fundamental

It was with interest that I read the editorial by Mr. Hayes in the Friday, February 7 edition of The Norton Telegram. While Mr. Hayes makes some valid points he does overlook the salient point which is, the Kansas Constitution requires the Legislature to "make suitable provision for finance of the educational interests of the state." Therefore, suitably funding of the Kansas public schools is a Constitutional duty of the Legislature. It is the DUTY and RESPONSIBILITY of the Courts to determine whether or not the actions and provisions of the Legislature are CONSTITUTIONAL. The evidence, as has been provided (and much of it by the Legislature itself!), is that the Legislature is not fulfilling that duty.

A colleague of mine is able to say it much better and more eloquently than I. Thank you for supporting The Norton Community Schools!

Mr. Greg Mann, Supt. USD 211 Norton

Dear Editor,  
In 1787 Philadelphia, for the first time in world history, national representatives met to determine how their nation should govern itself. The people of a modern nation would, for the first time, be ruled by their own laws rather than by a monarch or dictator. This new Rule of Law would become the fundamental ingredient of democracy on Earth.

During that Constitutional Convention, our Founding Fathers participated in many heated debates, one of which was in regard to whom had the final authority to interpret the constitution, which they were in the process of creating. When those meetings were finished, a series of newspaper articles, eventually known as the Federalist Papers, explained the thinking behind the various aspects of the U.S. Constitution. The primary author of those articles was Alexander Hamilton.

Federalist No. 78, written by Hamilton, argued that the courts have the duty to determine whether legislative acts are constitutional. He said, "Where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former." Other Federalist articles explained why judges should not be elected or be subject to the political whims of the other two branches of government.

Since then, the power of federal and state Supreme Courts to interpret their respective constitutions has become an essential part of American democracy and a cornerstone of American law. There will continue to be vehement disagreements about how Supreme Courts interpret the Constitution but, legally, there is no longer a debate regarding their authority to do so.

Chief executives (Presidents and Governors) and legislators swear an oath to uphold the constitution. Legally, Supreme Court decisions determine what the constitution means. Therefore, their oaths include obeying Supreme Court decisions. Since the Rule of Law is the most fundamental aspect of democracy, this legal argument must be the final argument.

In his recent State of the State address, Governor Brownback said, "Too many decisions are made by unaccountable, opaque institutions. Elected officials are sometimes complicit in this transference of power, because it removes them from accountability. So let's be clear. On the number one item in the state budget - education - the Constitution empowers the Legislature--the people's representatives--to fund our schools. This is the people's business, done by the people's house through the wonderfully untidy-- but open for all to see -- business of appropriations. Let us resolve that our schools remain open and are not closed by the courts or anyone else."

First of all, the Constitution does not merely "empower" the legislature to fund schools. It requires them to suitably do so. Secondly, since it is a constitutional requirement, the Kansas Supreme Court has the power and duty to decide whether or not the legislature is in violation of the constitution. Finally, it is certainly possible that the Kansas Supreme Court will order more funding for schools and, failing that, could order schools closed for being unconstitutionally funded. If that happens, however, the fault will lie not with the Kansas Supreme Court but with those who flout the Rule of Law.

It is true that the Governor and legislature, along with a vote of the people of Kansas, could change the Kansas Constitution. Unless or until that occurs, however, the Rule of Law, American democracy, and our legislators' oaths of office require that the Kansas Supreme Court's ruling be obeyed.

On a related topic, you have probably heard recent political advertisements using various statistics to argue that Kansas public schools have more money than ever and are spending it inefficiently. Those statistics are invariably partial truths. The simple truth is that Kansas public schools have less money to operate schools and educate our students today than we have had in decades. In fact, we have less operating funds now than we did when the Kansas Supreme Court ruled nine years ago that, according to the legislature's own studies, Kansas public schools were grossly underfunded.

Here is one last simple and self-evident truth, absent of statistics (skewed or otherwise): unless the Kansas Supreme Court rules that Kansas public schools are underfunded and our other two branches of government obey their oaths and that ruling, ALL Kansas school districts will continue to be forced to choose between raising local property taxes or lowering and eliminating educational services. Many school districts are already at their local taxing maximums and no longer have that choice. Eventually and soon, none of us will have that choice unless funding is increased.

Darrel Stufflebeam Supt. USD 323



## Enjoying the winter Olympics

It's going to be a long week. Let's see how I do getting by on three hours of sleep a night. Because that's about all I can foresee getting judging from the Olympics broadcast schedule. Thank goodness for DVR. It's going to be non-stop action for the entire week. I can't believe I forgot to set it to record the opening ceremonies.

I love the figure skating, ice dancing, downhill racing, ski boarding and the jumping. I even enjoy the luge and cross-country skiing. It's all entertaining to me.

Jim kind of groans when I say I want to turn to watch the Olympics. Again. But I figure he owes me after this football season.

-ob-

As much as I love the Olympics, I don't spend that much time outside in the snow. Kansas doesn't lend itself very well to winter sports. There are no ski slopes or mountain lodges.

### Out Back

Carolyn Plotts



Although, I remember as a kid at country school we never let a little snow stop us from playing outdoors. We built massive snow forts and chose up sides for snowball fights. We played "Fox and Geese" with trails stamped into the snow on the playground and any untouched snowbank was perfect for a snow angel.

Nowadays I take every advantage to stay inside and look for any excuse to bake something. Nothing like something from the oven to warm you up inside and out.

-ob-

All this talk of snow, winter and the Olympics makes me long for Spring. According to the Farmer's Almanac potatoes are supposed to be planted by St. Patrick's Day. When you look at the calendar, that is only a month away, so Spring is close.

I sure hope so, because at the rate the wild birds are eating their feed, we won't be able to afford them much longer. Surely, we're not the only people in town feeding our feathered friends. Are we? It seems like it from the flocks of birds outside our window and the fact we have to fill both feeders every day. Where do they go when they're not here?

Another reason I know Spring is coming. I received my first seed catalog last week. So many things I would like to grow. Beans, peas, rhubarb, asparagus, corn and potatoes. Jim is in charge of the tomatoes, I'll take the rest.

## The end of the line for the winter wheat

In some areas of western Kansas the winter wheat crop continues to show signs of stress. Constant windy conditions and a lack of snowfall or other moisture is turning the crop bluish brown in color.

Hamilton County crop and stockman Steven Hines says the winds have been terrible.

"Gusts from 40 to 60 miles per hour seem to sweep through our country nearly every other day," Hines says. "Temperatures have been one roller coaster ride after another. For a few days its 50 or 60 degrees then we'll experience a cold snap in the teens or near zero."

How well the wheat stands up depends on how well the crop is rooted, Hines says. It could winter kill if it isn't rooted firmly in the soil. The ground will heave until it pulls the roots lose and the wheat will die.

"Most of ours is pretty well rooted down with the moisture we received in August and September," the southwestern Kansas farmer says. "That drink of water started our wheat crop with a bang."

Unfortunately the moisture ranging from one to three inches in August and one-half to four inches in September wasn't enough to provide much needed subsoil moisture. Until more moisture arrives this year's wheat crop is living

### Insight

John Schlageck



on borrowed time.

February can be a really good month, if wet snows blanket the crop. The ground is generally thawed enough so the snow melts and the moisture insulates the wheat.

On the other hand, if moisture continues to be scarce this does not bode well for the young crop.

Blowing soil has been another problem this winter. When this happens farmers chisel their ground in an attempt to keep their fields from blowing. Hines, his two brothers and nephew chiseled 240 acres of their winter wheat ground recently.

"There's not enough cover on the ground to keep the soil from moving when it's dry like this," Hines explains. "We had to run pretty deep with the chisel to pull up any clods, but I feel good about what we accomplished."

Certain regions of western Kansas have been in some degree of drought since 2007. The Hines family farm didn't harvest any fall crops to speak

of last year. The 2013 wheat crop was a total bust.

"We harvested 1246 bushels from 2,200 acres planted," Hines says. "Last year was the first time in 40 years I had to buy wheat seed to plant back in the ground."

Hines hopes February will bring snow and spring rains. He understands if his wheat receives moisture at the right time his region of the state can raise a tremendous crop on 10-12 inches of moisture - if temperatures don't get too hot.

Because of the sparse fall harvest, the Hines family kept its entire milo crop to use for cattle feed. This grain shortfall hit them hard in the pocket-book.

The extended drought has also resulted in downsizing their momma cow herd.

"We're down between 50-75 head," Hines says. "Any cows that haven't produced calves were sold and we haven't replaced them."

Other Kansas cattlemen have been forced to liquidate or down-size their herds as well. Hines fears cattlemen in his region will not restock their herds when, and if, better times return.

"A lot of the guys that sold their herds are older and some will retire or find it too difficult to take a chance with cattle again," he says.

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Thumbs up to Mr Vance, Mr. Gay, Miss Dubois and Norton Forensics team for hosting a magnificent tournament on Saturday. Emailed in.

### Letters to the Editor and Thumbs Up:

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