

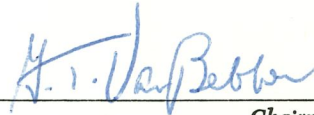
MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

Held in Room 510, at the Statehouse at 2:45 a.m./p.m., on January 30, 1975.

All members were present ~~except~~:

The next meeting of the Committee will be held at 2:45 a.m./p.m., on February 3, 1975.

The ~~minutes~~ minutes of the meeting held on January 29, 1975 were considered, ~~corrected~~ and approved.



*Chairman*

The conferees appearing before the Committee were:

Mr. Fred Carmen, Revisor of Statutes  
Miss Mary Ann Torrence, Staff Member of Revisor  
Rep. Donn Everett  
Mr. John Cason, General Mgr., Wichita Humane Society  
Miss Audrey McCaig, Executive Director, Helping hands  
Humane Society, Topeka  
Mr. Jim Howard, Detective, Sheriff's Department,  
Sedgwick County

The meeting was called to order by the Chairman who called attention to the Agenda for next week's business. With regard to the scheduling of HCR 2009 for Wednesday, February 5th, he mentioned that members are receiving letters from Lawrence, suggesting that the committee is involved in secret proceedings regarding this subject. He stated that he had written suggesting that an apology is in order.

Mr. Fred Carmen, Revisor of Statutes, was introduced to discuss HCR 2001, prescribing procedures to be followed in amending the Constitution. Mr. Carmen urged caution in possible adoption of this Resolution in its present form; that he believes its adoption would make the situation worse. Mr. Carmen stated that Mr. Felker of his office had done some research which was not quite as negative as his. Mary Torrence of the Revisor's office stated that basically her findings were also negative; that she believes to adopt something like this would open a wide field of court cases, and explained that her conclusion came after reading a great many court cases in such matters as the "right to work" Amendment.

Rep. Donn Everett was introduced to discuss his HCR 2006, which proposes to add a human rights section to the Kansas Constitution. (See printed statement).

Rep. Reeves, one of the sponsors of H.B. 2138, explained that there was a similar bill in the legislature last year; that he feels that cockfighting is cruel and inhumane and that a number of his constituents feel the same way. Therefore, he agreed to sponsor this proposal.



Mr. Reeves introduced Mr. John Cason, who spoke in support of the proposal, stating that while he had not seen a cockfight, he feels such sport is cruel; that he speaks for the Kansas Humane Societies in supporting this bill.

Miss Audrey McCaig testified that she feels such activities to be cruel, and to subject these birds to such treatment is a poor type of sport. She stated that she is speaking also in behalf of her Board of Directors and members who support this bill.

Mr. Jim Howard appeared in support of H.B. 2138. He explained that there is a statute dealing with cruelty to animals but the Supreme Court has ruled that gamecocks do not fall into the category of animals. He stated that there are other activities such as gambling which go hand in hand with these events, and that this bill would be helpful in enforcement. When questioned about these events in Sedgwick County, Mr. Howard estimated that there were about 15 different locations, but stated it is difficult to tell how frequently they are held.

The Chairman suggested that the sponsors, Mr. Reeves and Mr. Morris, give any additional information to the committee when it is considered at a later time.

It was moved by Mr. Morris and seconded by Mr. Anderson that H.B. 2011 be recommended for passage. Motion carried without dissent.

It was moved by Mr. Anderson and seconded by Mr. Ward that H.B. 2086 be reported adversely. Motion carried without dissent.

The Chairman called for discussion on H.B. 2101, and Mrs. Matlack distributed a proposed amendment and moved its adoption. (See amendment.) Motion was seconded by Mr. Gastl. After discussion concerning the merits of such amendment, Mr. Morris offered a substitute motion that the bill be amended as suggested by Mrs. Matlack, but striking on line 4, the words "any reasonable." Motion was seconded by Mrs. Matlack.

The Committee discussed the motion at length, and the Chairman stated that he would like to leave the motion pending, and suggested that members do some additional thinking about the matter.

It was moved by Mr. Anderson and seconded by Mr. Cooper that minutes for the meeting of January 29th be approved as printed. Motion carried without dissent.

The meeting was adjourned.

Mr. Chairman, members of the Federal and State Affairs Committee-- these remarks are in support of a proposed amendment to the Kansas Constitution HCR 2006. Simply stated, this resolution calls for the inclusion in the Kansas Constitution a new constitutional standard, human rights.

This standard is supplemental to the Bill of Rights of the Kansas Constitution and to those set forth in the United States Constitution.

A bit of history is called for to give you some background as to why this resolution is presented today. First of all, history has recognized several general categories of rights. The Declaration of Independence utilizes the phrase "life, liberty and the pursuit of happiness." These have historically been referred to as natural rights. Some philosophers have included the word "property" rather than the phrase "pursuit of happiness."

These natural rights are set forth in the Kansas Constitution Bill of Rights--"All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness." Other rights that have been historically recognized are denominated as "civil," such as: property, marital, and contractual rights.

Another category that scholars have dealt with is political rights. Citizenship and suffrage are typical of these rights. For the sake of brevity I will not expand upon these further.

For years it has been my observation that the Congress of the United States and the Legislature of this great state have endeavored

to solve inequities by the passage of a number of laws, not just in the area of civil rights but also in the areas of hunger, poor housing and unequal treatment before the law, to mention just a few.

We must leave it to historians to determine whether these statutory efforts have brought about a correction of many of the imbalances in our society.

In preparing this resolution for submission to the Kansas Legislature, I reviewed the constitutional Bills of Rights for our country and for our state. Except for the one previously mentioned, in Article 1 of the Kansas Constitution, I was struck by the fact that almost all of the Bill of Rights, both in the national and state constitutions, are cast in the negative. Illustrative of these are:

Congress shall make no law respecting an establishment....

...The right of the people to keep and bear arms shall not be infringed.

No soldier shall....

...No warrants shall issue without probable cause.

No person shall be held to answer for....

The enumeration in the Constitution of certain rights, shall not be considered to deny or disparage other rights....

The Kansas Constitution has like language.

The United Nations adopted on December 10, 1948, a document described "The Universal Declaration of Human Rights." A copy of that

is furnished to you as an appendix to my remarks. This great document is significant in two ways: One, it is a positive expression of the concern of a world body for human beings and their relationships one with another; secondly, it ennuunciates for all of us 29 human rights, most of which are set in the positive.

In 1976 this country will celebrate its bicentennial. As a part of that celebration we will be encouraged to reflect upon our great national heritage. It is hoped that it will be time when we evaluate how far we have come in our relations one with another. What better way for the citizens of Kansas to celebrate our part in the bicentennial than by discussing, debating and reflecting upon an amendment to the Kansas Constitution securing human rights to all persons. It seems to many of us that we have made progress, albeit often too slow, in the area of what is described as human rights.

This amendment, if adopted by the people of this state, would not change one whit our Constitution but, in circumstances that are constantly altered in our society, it would permit a person to seek redress for the deprivation of any human right. Specifically, this amendment would not alter the right to work amendment to the Kansas Constitution, the laws on abortion, the effect of the equal rights amendment for women, and it is not submitted with any devious motivation to accomplish some hidden end.

To those who would argue that this would open the court room door to unlimited litigation because of its general phrasing, I would say that such phrases as appear in the United States Constitution such as due process, privileges and immunities, freedom of speech, peaceful assembly, have opened the court room door for many people seeking to

have them defined, but more important, seeking the protection of that constitutional document for the rights generally prescribed.

Natural rights, to-wit: life, liberty and the pursuit of happiness, as set forth in the Kansas Bill of Rights, is just not broad enough in it's scope. The "pursuit of happiness" is a melodic phrase that I submit is without real substantive meaning. "Life" and "liberty" are general terms but do not include rights envisioned in the phrase "human rights." So it is respectfully submitted to you today that HCR 2006 should be submitted to the electors of this state for their approval or rejection.

If this resolution is submitted, it may be discussed from every pulpit in this state and from the lips of many candidates for office. More importantly, each citizen of this state will in 1976 be compelled by his vote to reflect upon how he feels toward his relationships with his fellow human beings. Through their vote they will express a personal commitment to improve and guarantee human rights rather than endeavoring to correct imbalances by legislative enactment.

Surely if our Kansas Constitution can be the repository for legalizing parlor games it has a place in it for this mandate by the people that the human rights of the citizens of this state are inviolate.

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## UNIVERSAL DECLARATION OF HUMAN RIGHTS

### Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on December 10, 1948.

The rights embodied in the Declaration have been set forth in two covenants—the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights—which were adopted by the General Assembly on December 16, 1966.

social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

*Now, Therefore,*

### THE GENERAL ASSEMBLY

#### *proclaims*

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and

against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and

residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and interna-

tional co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject



only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to

the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

In re Gamecock Fighting:

"If gamecocks or fowls in general, or fish for that matter, are to be brought within the protection of the statute, the legislature is fully competent to do so. It is presently in session and, as was said in State v. Stockton, the legislature can if it so desires make. . . cock-fighting an offense against the state. It will be understood to be a criminal offense by the ordinary layman and he will then know what is and what is not forbidden by the law." State of Kansas v. Claiborne (January 20, 1973).

Laws against cockfighting have traditionally been based on prevention of two evils: (1) needless animal suffering, and (2) demoralization of human beings. In France, till 1963, under the general anticruelty statute the second purpose took precedence so completely over the first that "only" cruelty which took place in public was subject to prosecution--the rationale: onlookers would be harmed. This aspect of the problem may be vividly exemplified in photographs showing facial expressions of an enthusiastic audience at a cock fight or bullfight.

There are 40 states that specifically outlaw cockfighting, while there are 6 more that outlaw animal fighting in general:

1. Alabama, 14:96
2. Alaska, 11.40.520
3. Arkansas, 41-410
4. California, 597b
5. Colorado, 40-20-4
6. Connecticut, 53-247
7. Delaware, Title 11, Section 342
8. District of Columbia, 22-810
9. Georgia, 26-66601
10. Hawaii, 722-3
11. Idaho, 182104
12. Illinois, 8-229
13. Indiana, 10-206
14. Iowa, 726.7
15. Kentucky, 436.190
16. Louisiana, By judicial decisions, the fighting of cocks or bulls is considered an act of animal cruelty and is therefore prohibited by general statutes dealing with animal cruelty.
17. Maine, 17-1131
18. Massachusetts, 272-95
19. Michigan, 28.244
20. Minnesota, 346.29
21. Mississippi, 2069
22. Missouri, 563-660
23. Montana, 94.1207
24. Nebraska, 28-560
25. Nevada, 574.060
26. New Hampshire, 577:17
27. New Jersey, 4:22-24
28. New York, 26-351
29. North Carolina, 14-362
30. North Dakota, 36-21-08
31. Ohio, 959.15
32. Rhode Island, 4-1-9
33. South Carolina, 16-567
34. Tennessee, 39-405
35. Texas, P.C. 613
36. Utah, 76-5-2
37. Vermont, 13.406c
38. Virginia, 18.1-242
39. Washington, 16.52.120
40. Wyoming, 11-559

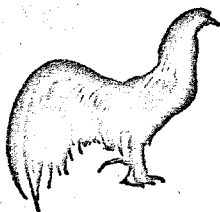
There are 6 states that outlaw animal fighting in general: Florida, Oklahoma, Pennsylvania, South Dakota, West Virginia, and Wisconsin.

# The Gamecocks Fight, Hidden From the Law

KANSAS CITY, KAN.

In the grayish dusk, the old barn is hard to distinguish against the dull winter scene. A visitor drives off the narrow winding road and parks his car in a row that has formed outside the dilapidated structure. Headlights of other cars play on the worn, pitted wood, a wasting monument to a rural way of life that is disappearing. The visitor opens a rickety door to enter. Inside, the building is considerably more substantial, and not at all barn-like.

Where a season's hay crop once stretched upward toward the roof, bleacher-like seats form an amphitheater. In the center is an oval-shaped pit, 18 inches deep in the dirt floor, 8 feet wide and 12 feet long. It is surrounded by a 4-foot-high wire fence.



Obviously, this is no ordinary barn. Not anymore. It is, in fact, an arena for a sport that captivated the Romans as early as 200 B.C. and was exploited in Asia more than 3,000 years ago—cockfighting. More recently, gamecocking, though illegal in most states, has been on a steady—and surreptitious—upswing in several states, among them Oklahoma, Missouri, Kansas, Arkansas, Illinois, and Kentucky.

On a recent cold night, 200 persons crowded into the barn in the Kansas City, Kan., area to see the battle.

### 'Arming' the Gamecocks

As the spectators gathered at admission prices from \$1 to \$3, two handlers in a corner of the barn bent over their birds, tying steel spurs on them.

Soon the attention of the audience is focused to the end of the pit, where the two men are weighing their combatants on a balance. After being satisfied the weights are close enough, they gather

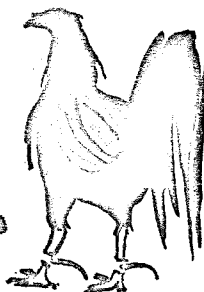
the birds into their arms and walk to the center of the pit.

The handlers holding the birds let the gamecocks peck at each other until they become aroused. From a public address system comes the order, "Ready your birds!" It is the voice of the referee, who is at the edge of the pit. The gamecocks are placed on the dirt floor of the pit facing each other. One crows boldly as the speaker blares again, "Pit your birds." The fighters are released by their handlers.

Now comes the flapping of the wings as the birds, their necks outstretched, attack. Suddenly there is a blur of movement as the stainless steel spurs slash toward vital spots. "Kill 'em, Kill 'em," urges one spectator as the tempo of the fighting stirs the crowd. Many have gambled money on the outcome.

"Handle your birds," commands the referee in the din of excitement. The thrashing gamecocks are pulled apart by the handlers who have rushed into the ring.

One of the roosters has a lung injury from the spur of his opponent. The tiring fighters are petted by the handlers and then put back into the arena for more combat. They clash again and again. Eventually the chicken with the lung wound begins to weaken. His handler places the gamecock's comb into his mouth and draws on it. He is trying to pull blood back into the head of the rooster, which has fallen into shock. Finally, the gamecocks tire; seemingly they are in a slow, crazy dance of unreality.



"Drag your birds," shouts the referee, and the gallant little birds are taken off stage.

As new birds are readied the betting begins. "Five to four on the red,"

shouts a man. Soon the barn has turned into an auction-like scene. A nod of the head as the eyes of the bettors meet can seal a bet.

The process is repeated into the night to the entertainment of the crowd and the challenge of the gamecock's owners.

Breeding these gamecocks is a science; a breeder may select from more than 100 strains to produce the gamest possible fighters just as dog and horse breeders try to get the best blend for a top animal.

This is, then, considered a true sport by many, although others find it a cruel and inhumane pastime. And it is expensive; most breeders have good incomes from another source. Part of the cost goes for contest entry fees, which normally range from \$20 to \$100.

### Forcing a Somersault

Training and conditioning—including pay of handlers—is another expense. Keeping a rooster at the peak of his ability is hard work. An expert handler will spend time with each bird every day.

The birds are housed in pens designed to give them maximum exercise, and because of their natural fighting instincts, they cannot be doubled up in the enclosures. The fighters get a regular diet of corn, often supplemented with raw eggs and hamburger just before they tangle with their adversary.

As one indication of the increase of the popularity of this activity, the cockfighting fraternity now has a magazine. One recent issue, under a dateline "Somewhere in Oklahoma," reported that 400 persons braved a near blizzard to attend a cockfight. Some had traveled more than 100 miles.

Because of state laws on cruelty to animals, and the betting that accompanies cockfights, the contests are practically limited to a rural barn. This may cut down on the attendance, but it protects the promoters from the law.

—ROBERT SIGMAN

file cockfighting

From "The Nation" Oct. 11, 1964, p. 3

1-30-75

STATEMENT BY GEORGE R. TYLL: PRESIDENT, KANSAS ASSOCIATION OF NEWS BROADCASTERS; NEWS DIRECTOR, KSAL RADIO, SALINA, KANSAS KANSAS HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS, JAN. 30, 1974

I appear before you today representing the Kansas Association of News Broadcasters as that Association's president and as the news director of KSAL Radio in Salina, Kansas.

The supporting materials which I have submitted to you are presented on behalf of both organizations which I represent.

The Kansas Association of News Broadcasters was formed this past Sunday at a meeting in Wichita "to promote radio and television as news media, to encourage the development of the profession and its standards, and to provide a means of information and exchange among its members."

Twenty news broadcasters and wire service representatives attended that meeting. And I also have letters supporting our organization from several news broadcasters who could not attend that meeting.

Those present at the Wichita meeting adopted a resolution supporting the intent of House Bill 1882. I personally would like to see the Bill taken one step farther and define specifically what can be discussed in executive session, ie. personnel matters and property transactions.

It is important that all the news media work collectively to get the "tools" we need in order to better serve our listeners, viewers and readers. House Bill 1882 goes a long way to serving the needs of news reporters and subsequently those of the public.

A government which keeps the public ignorant of the issues is not serving that public. And a news media which allows government to function in this manner is nothing more than a public relations arm of that government.

Too much news is reported "after the fact." This isn't because news reporters are not interested or don't have time to attend regularly scheduled meetings but because they were (and are) not aware that the meetings took place.

The membership makeup of boards, commissions, committees, etc. change---and sometimes at each election. But, whether those members have been elected on the issues or their personalities does not mean that the basic rules by which that agency operates should change.

House Bill 1882 is an important step in assuring that this does not happen. If this amendment to the Kansas Open Meetings Law is adopted it will force government agencies and tax-supported institutions to meet publicly. And if it doesn't it will help the news reporter and in turn the public to force changes.



# The State Journal

## page of opinion

Wednesday Evening, January 23, 1974

We who are strong ought to bear with the fallings of the weak, and not to please ourselves; let each of us please his neighbor for his good. — Romans 15:1, 2.

### *Let's strengthen meeting law*

The citizen's right to know what goes on in local, state and national government is important, for as a taxpayer he foots the bills and he is affected by what is done.

Therefore the Legislature should determine if it should strengthen Kansas' 18-month-old law that guarantees meetings of legislative and administrative agencies shall be open to public and press.

A western Kansas lawmaker, Rep. Keith Farrar, R-Hugoton, has noted in the 1972 law a loophole he believes needs closing. He submitted a bill providing boards and commissions must notify the public and news media at least 24 hours before any meeting.

He says boards with controversial matters to discuss sometimes adjourn and quietly call another meeting without notifying press and public. Such tactics make it difficult for citizens to learn what the board is doing. They are a violation of the spirit of the law and should be prohibited. Informing the public should be sufficient.

If, as Farrar charges, "there have been a few abuses of the open meeting law," the Legislature should stop them.

While it studies the law, the Legislature might well consider a defect pointed out when it was passed in 1972. The original measure was watered down to provide that only meetings at which "binding action" is taken shall be open to the public. It allows public bodies to hold "executive sessions" if a "justification" is stated and no binding action is taken. Certainly closed meetings are needed in a few cases — such as when dismissal of an employe on morals charges is discussed. But closed meetings should not be permitted except for real cause — and perhaps these should be spelled out by law.

It is well that Kansas law guarantees open meetings, but the matter should be studied periodically to determine if the law is effective. As Farrar says, "if we are going to have open meetings, let's make them open."