

Star News Editorials

Raid on Kansas newspaper office is a blow to press freedom everywhere

An attack on freedom anywhere is an attack on freedom everywhere.

On Friday the entire 5-person police force of Marion, Kansas, along its police chief and two Marion County sheriff's deputies, raided the offices of the *Marion County Record* and the home of its publisher and his elderly mother.

The trauma of the searches is cited by her family as contributing to the death of the paper's 98-year-old co-owner who had to watch as law enforcement searched her home, photographed her son's bank records and seized computer equipment.

In the search, law enforcement took reporters' notes and files, computer servers, computer equipment and even reporters' personal cellphones. It was an egregious attack on press freedom and an obvious effort for pre-publication censorship regarding past alcohol violations of a Marion County business owner, Kari Newell, who is seeking a liquor license.

Law enforcement has alleged the newspaper's staff committed identity theft, using personal information to access Kansas state databases to find out information regarding Newell's past law enforcement record. The newspaper publisher has stated the information came from a confidential source that was confirmed through a state records search.

As reported in the *Kansas Reflector*, the newspaper received information from a confidential source that the business owner had been convicted of drunken driving

in 2008 and had driven without a license. A reporter used the Kansas Department of Revenue website to verify that the information was accurate, but the newspaper decided not to publish a story about the information. *Marion County Record* publisher Eric Meyer said he had notified local police of the situation before the raid.

Disregarding the fact that there is a clear public interest in if someone applying for a liquor license has committed offenses which could potentially prevent them from holding the license, it is important to note that the story had not been published. Constitutional scholars and the U.S. Supreme Court have ruled that the first amendment protects media outlets from pre-publication censorship efforts.

The attorney who requested the search warrant and the judge who signed it ignored the provisions of the federal Privacy Protection Act which limits law enforcement use of search warrants or ability to seize information protected by the First Amendment. This provision exists to prevent the very circumstances that are currently taking place in Marion, Kansas.

The law and the many court rulings upholding press freedoms over the years recognize the need to prevent governments at any level of using members of law enforcement as a weapon against reporters and publications who are doing their job of keeping the citizens informed.

A letter from the Reporters Committee for Freedom of the Press, signed by 34 news media and press freedom

organizations condemns the raid. "Newsroom searches and seizures are among the most intrusive actions law enforcement can take with respect to the free press, and the most potentially suppressive of free speech by the press and the public."

It would be easy to say such a thing couldn't happen here. Thanks to the commitment to open government here in Wisconsin, court records are easily and publicly accessible both online and at the courthouse. Likewise, it could be hoped that Wisconsin law enforcement and judges would be hesitant to send officers in to seize reporters' notes and reporting tools and instead use the subpoena tools in place.

While it can be hoped that Wisconsin would be immune from the festering rot of corruption that has boiled up in Marion County, Kan. this week, the reality is there are always those who would seek to use force to suppress the people's right to know and who would silence opposition through oppression.

At best, the incidents in Marion County, Kan. show a lack of understanding of the law that resulted in a First Amendment violation and a wrongful death. At worst, it reveals a conspiracy of corruption by those in power to willfully suppress those who would oppose them regardless of the harm done to individuals or to a free society.

The actions in Marion County, Kan. could simply be cascading incompetence, but it is necessary to be vigilant to the infectious rot of tyranny.

Vos is off base with impeachment threats

Issac Newton's first law of motion states that an object at rest stays at rest unless acted upon by an outside force.

While Newton was referring to actual physical movement, he might as well have been talking about political inertia where those in power seek to stay in power until forced from power.

An example of this can be seen going on in Wisconsin politics as Assembly Speaker Robin Vos is attempting to cling to his power in the state legislature to the point of threatening impeachment of newly sworn in state supreme court justice Janet Protasiewicz if she doesn't keep her mouth shut and sit quietly in the back of the room on an anti-gerrymandering case likely to come before the court.

In the color-coded world of political gamesmanship, Wisconsin is a very purple state with the voting population split down the center when it comes to favoring Republicans or Democrats.

You wouldn't be able to tell this by looking at the make-up of the Wisconsin State Legislature which is skewed heavily toward Republicans. This is largely due to the fact that back in 2010, the Republicans held the majority in the legislature and were in charge of drawing the district maps to create more "safe" districts such as here in the 87th Assembly District which is overwhelming Republican in make-up. Had the Democrats been in charge at the time, it is a sure bet they would have done exactly the same thing and worked to create as many safe seats for their party as possible while weakening the Republican vote.

The current system is fundamentally

broken. In Wisconsin, it has routinely come to the courts to be the neutral arbiters and try to look out for the voters.

Vos had little trouble with this when there was a conservative majority on the bench. He could trust them to keep his purely partisan political interests in mind when making rulings.

Things got shook up this spring with the election of Protasiewicz and the shift to a liberal majority on the court. Now, the fear is that this liberal majority will hand down rulings that could threaten Vos' power base and could create legislative district maps where any candidate, regardless of party affiliation, could have a fair chance. Imagine the horror of a system where voters pick the best candidate rather than where entrenched legislators pick their constituents.

Vos has called on Protasiewicz to recuse herself from any cases on redistricting and raised the threat of impeachment hearings in the legislature.

The Wisconsin Constitution allows lawmakers to remove state officials "for corrupt conduct in office, or for crimes and misdemeanors."

To Vos, Protasiewicz's great crime is stating prior to the election that she feels the current maps are wrong, stating at the time, and since, that she can't say what she would do for any particular case. That is an important point to make.

Judges routinely must make rulings on cases based on the law and not what they feel the law should be. Separating your personal politics from the legal decision to be decided is a fundamental job of every judge at every level.

Recognizing that there is something wrong with the current gerrymandering

system is akin to recognizing that the sky is blue or that winters in Wisconsin are cold with snow. None of which rises to the level of an elected justice needing to recuse themselves from ruling on any case, regardless of what Robin Vos might feel.

Members of *The Star News* editorial board include Publisher Carol O'Leary, General Manager Kris O'Leary and News Editor Brian Wilson.



Write a Vox Pop: Vox Pops, from the Latin Vox Populi or Voice of the People, are the opinions of our readers and reflect subjects of current local interest. All letters must be signed and contain the address and telephone number of the writer for verification of authorship and should be the work of the writer. Letters will be edited. No election-related letters will be run the week before the election. E-mail: starnews@centralwinews.com.

The mission of *The Star News*, as a local, community newspaper, is to support democracy by publishing editorials and letters to the editor that stimulate thought and discussion. Due to the ongoing divisiveness following the recent U.S. presidential election, we have decided to put in place a moratorium on editorials and letters that would further inflame partisan rancor and ill-will within our community of readers. We need a period of quiet so we can begin to listen to one another. The newspaper will continue to run editorials addressing issues that have local impact on our communities and readers. *The Star News* welcomes Vox Pops (letters to the editor) from our readers that address local issues and things that we cover in *The Star News*.

Star News Quote of the Week:

"Why are we giving them special privileges?"

— Council member Mike Bub questioning why they city would waive Walmart's objection to its property tax assessment to circuit court. See the full story on page 10