

# The Hays Daily News

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JULIE DOLL, editor and publisher

KENT STEWARD, managing editor

MIKE HAAS, advertising manager

## Public Servant v. Big Brother

By KENT STEWARD

MANAGING EDITOR



The president of Fort Hays State University, perhaps more than any other person, influences the future of northwest Kansas. He guides the university, which is a major employer, a training ground for our future leaders and the foremost symbol of our character and spirit.

President Gerald Tomanek will retire May 17. A search committee has narrowed the list of candidates for his job to seven.

The selection of a new university president would be important in any year, but our sagging economy and the changing face of agriculture add to that importance the potential for restored hope and new directions.

Larry Gould, an associate professor of political science and chairman of the search committee, understands that the community is watching the search process with special interest. Gould proposed last Friday that the names of the semi-finalists be released to the public. Stanley Koplik, regent executive director, was horrified by that suggestion.

To their credit, however, the regents have since approved release of the names on condition that the candidates do not object. (Refusal by any of the candidates would be a strong indication that they are not qualified for such a sensitive, visible position.)

The disagreement between Gould and Koplik has been played out countless times in the past by people in positions of public authority. It is a battle between the Public Servant and Big Brother, and this latest episode recalled for me a particularly enlightening personal experience.

FRANK THEIS, a 75-year-old native Kansan and esteemed judge of the U.S. District Court in Wichita, has been in the news recently because he ruled that overcrowding at the Sedgwick County jail was unconstitutional.

Theis is no stranger to controversy, having presided over such landmark cases as the lawsuit by survivors of Karen Silkwood against the Kerr-McGee company. Silkwood had suffered radiation poisoning in an Oklahoma Kerr-McGee laboratory, and her children initially won \$10.5 million in damages from the company.

Theis refers to himself as "the trouble-shooter for the 10th Circuit." Perhaps most remarkable has been his ability to retain the respect and even admiration of the lawyers who appear before him in controversial cases. In 1980, he was named the nation's outstanding federal judge by the Association of Trial Lawyers of America.

It was a run-of-the-mill case, though, that gave me the opportunity to meet Theis. He was presiding over a mail fraud trial during the '70s in a federal courtroom above the Fort Scott Post Office. Shortly into the trial, the lawyers became embroiled over a point of law — as lawyers are wont to do — and Theis ordered the jury to retire from the courtroom while he met with the lawyers in his chambers.

AS HE WAS leaving the bench, he invited me and the other reporter present to tag along. I was stunned, but not too stunned to accept the invitation. In his chambers, Theis seated us and introduced himself. After asking some friendly questions about our backgrounds, he told us that we were welcome in his chambers anytime trial business was being discussed. If the lawyers had any reservations about this unusual climate of openness, they kept their objections to themselves.

It brought clearly into focus a truth that I had unconsciously begun to suspect as a novice reporter: The most competent public officials are most willing to conduct business openly.

As a masterful judge, Theis had no self-doubts about his ability, no fears of being second-guessed. Therefore, he knew that giving two young reporters every scrap of information about the trial would only improve the chances that the public would receive accurate information.

In the years since, I've seen the corollary at work, too: The desire of public officials to conduct business in secret increases in direct proportion to their incompetence. Thus, the sheriff who does not know his job very well is the sheriff who will not give the public information about a crime; the commissioner who does not understand his duties is the commissioner most anxious to retire into closed session; the bureaucrat who does not understand regulations is the bureaucrat who will not discuss those regulations.

It is vital to the citizens of northwest Kansas that a competent, dynamic individual be selected as the next president of Fort Hays State University. With so much at stake, the public has a right and a need to know the candidates.

The kind of leadership exhibited by Larry Gould inspires public confidence in the selection process.