KU prof. in coal ad unaware of sponsors

Steven Simpson, a KU Medical Center associate professor of pulmonology, said he agreed to allow his image to be used without knowing who was paying for the ads.

Associated Press

LAWRENCE — A University of Kansas professor is upset about being used in an advertising campaign critical of the proposed coal-fired electric power plants in western Kansas.

Steven Simpson, an associate professor of pulmonology at the University of Kansas Medical Center, said Thursday that when he agreed to allow his photograph and name to be used in the anti-coal ad, he didn't know that the ad was being paid for by a natural gas company.

"I would not have done that at the behest of a natural gas company," Simpson said. "That's a whole different ball of wax."

The company — Chesapeake Energy Corp., based in Oklahoma City — has launched a multimedia campaign criticizing coal-fired power plants, specifically the ones proposed near Holcomb.

Simpson said he agreed that coal-fired plants lead to health problems but that he didn't want to get involved in a fight between coal interests and natural gas interests.

"I don't want to combat their competitor," he said.

Simpson said he was asked to allow his picture to be used in the ad by the American Lung Association of the Central States and assumed the ad was sponsored by health groups.

Contacted by the Lawrence Journal-World, the American Lung Association of the Central States issued a written statement saying it knew of Chesapeake's support of the ads.

"We appreciate their strong support of this important public health issue," the association said.

The statement did not address Simpson's comments.
Kathy Griffith, Brooke Hollis and Leslie Parker among honorees

LAWRENCE — Students from eight Kansas high schools will be honored Wednesday, Nov. 7, by the University of Kansas Alumni Association and KU Endowment.

A total of 65 seniors from high schools in Dickinson, Geary and Morris counties will be recognized for their academic achievements and named Kansas Honor Scholars at a 6:30 p.m. dinner program in the Rock Springs 4-H Center, 5405 W. Hwy. K 157, Junction City.

The Kansas Honor Program began in 1971 and has honored more than 100,000 students. Scholars rank in the top 10 percent of their high school senior classes and are selected regardless of curricula, majors, occupational plans or higher-education goals. Honorees’ names are listed at www.news.ku.edu/2007/october/24/khpjuncitcity.shtml.

During the ceremony, each student will receive an American Heritage Dictionary in hardback and CD versions, presented by Danny Lewis, assistant director for alumni programs at the KU Alumni Association.

Lisa Pinamonti Kress, director of admissions and scholarships, will speak to the students, parents and guests.

Honored students will be guests of the alumni association and KU Endowment; parents and area alumni are welcome to attend at a cost of $11 each.

Community volunteers collect reservations, coordinate details and serve as local contacts for the event. Julie Hamel of Chapman will be the site coordinator. Todd and Sue Friese of Chapman and Tom Throne of Junction City will be the county coordinators.

The Kansas Honors Program is made possible through KU Endowment and proceeds from the Jayhawk license plate program.

Honorees’ from White City are Kathy Griffith, Brooke Hollis and Leslie Parker

Honorees’ from Herington are Robert Barber, Dustin Geissert, Kristopher Mueller, Joshua Patterson and Melissa Traskowsky.

Honorees’ from Hope are Samantha Coup and Haley Sill.
KU to honor 208
65 students 155
from high schools in 3 counties

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Honorees’ names are listed below by name and school:

Owen Brittan, Abilene;
Ted Budden, Abilene;
Rachel Hocker, Abilene;
Stephanie Holm, Abilene;
David Kohman, Abilene;
Katlen Lovelace, Abilene;
Ally Nass, Abilene;
Addie Schroeder, Abilene;
Robin Smart, Abilene;
Amanda Soelter, Abilene;
Clayton Stubbs, Abilene;
Ashley Connelly, Chapman;
Jared Crabb, Chapman;

(See: KU, page 10)

(Continued from page 8)

Mitchell Keating, Chapman;
Brett Salsbury, Chapman;
Kathy Sexton, Chapman;
Kelsey Stevens, Chapman;
Emily Thurlow, Chapman;
Robert Barber, Herington;
Dustin Geissert, Herington,
Kristopher Mueller, Herington;
Joshua Patterson, Herington;
Melissa Traskowsky, Herington;
Samantha Coup, Hope;
Haley Sill, Hope;
Jarrod Janssen, Solomon;
Emily Minneman, Solomon;
Alexandra Schmaderer, Solomon;
Suzanne Veal, Solomon.
Kansas universities hide info on business jets from prying eyes

LAWRENCE (AP) — When it comes to finding out where a business jet is headed, the University of Kansas and Kansas State University are more secretive than the governor’s office.

Since January, the University of Kansas has participated in a service that shields real-time flight plan information from the public for trips taken by its Cessna Citation Bravo based at Lawrence Municipal Airport.

Kansas State has been blocking flight plan information for its two business jets from Internet tracking sites for six years.

“It is fairly common, for security, to not let the whole world know where your plane is going,” said Todd Cohen, a spokesman for the University of Kansas.

But Gov. Kathleen Sebelius doesn’t keep her flight plans secret.

“Our schedulers or security get on the flight tracking system and track the state plane regularly when needed,” said Sebelius spokeswoman Nicole Corcoran.

Pilots regularly file flight plans with the Federal Aviation Administration prior to takeoff. Web sites then track the flights as they happen.

Federal law allows plane owners to request that information be blocked by the National Business Aviation Association.

“In the business community, some of the flights carry competitive and/or security concerns,” said Dan Hubbard, a spokesman for the association. “There may be a reason why the party making the flight feels the flight should not be understood in real time.”

The schools use their planes for a number of sensitive trips, including coaches recruiting players, performing government-funded research that officials would like to keep quiet or transporting controversial speakers to campus.

Kansas’ Cessna seats about eight and is used by officials at both the Lawrence campus and the KU Medical Center campus in Kansas City, Kan.
Students volunteer for Audio-Reader

Sparked by a request from a University of Kansas staff member who lost her vision, Audio-Reader will offer recordings of the University Daily Kansas and the Oread via its dial-in Telephone Reader information system.

Mary Chappell, director of Recreation Services at KU, is pleased her request produced such positive results.

"Audio-Reader brings the faces and places of our KU community to life through its reading of the University Daily Kansas and the Oread," said Chappell. "A special connection is made with reader and listener as the printed word describes our educational experiences. The daily knowledge I receive helps me make decisions that impact thousands of lives."

The University Daily Kansas, KU's student newspaper, is available Monday-Friday when KU is in session. The paper's weekly entertainment insert, Jayplay, also is recorded. Volunteers who record these publications include KU students Robbie Gordy, Trisha Howg, Joe Schremmer and Dan Pierron, who record the Kansan, and Mariisa Massoni, who reads the Oread, KU's faculty and staff newspaper. The Oread is published 18 times per year.

"This is a great example of KU students contributing to the community in a special way," said Janet Campbell, director of Audio-Reader. "We continually strive to meet the needs of our blind and print-disabled Totemans, but we couldn't do this without the help of so many wonderful volunteers. It's especially impressive when students find the time to volunteer."

KU staff member Susan Tabor is another Audio-Reader listener who is grateful to have these publications available for the first time. Tabor, who is blind, received a bachelor's degree from KU in 1973 and a master's in 1974.

She is the part-time assistant coordinator of volunteers for Audio-Reader.

"I remember wishing as a KU student that I could have had access to the UDK," she said. "Now I can vicariously go back and relive my student days. As a KU employee, it's really nice to have immediate access to the Oread so I can stay current with events relevant to the university."

Audio-Reader offers more than just newspapers, and Chappell expressed appreciation for the books and other printed materials that Audio-Reader provides.

"For me, listening at the noon hour is like taking a good friend to lunch," Chappell said. "Listening to an armchair reader tell a story on a dreary Saturday afternoon takes you to all the places you would love to go to without the hassle of finding a parking space."

Offered as a public service by KU, Audio-Reader is a reading and information service for blind and print-disabled individuals in Kansas and western Missouri. For more information, call (800) 772-8898 or visit the Audio-Reader Web site. Audio-Reader's services are available free of charge.

Among the KU student volunteers Trisha Howg, Sylvan Grove, is a junior in pre-business. The daughter of James and Nancy Howg, Sylvan Grove, Trisha is a graduate of Sylvan Unified High School.
AUDIO READER - Trisha Howg, Sylvan Grove, records the University Daily Kansas for Audio-Reader.
Discovering a species

KU grad student finds new fruit bat in Philippines

By JAN BILES
The Topeka Capital-Journal

LAWRENCE — University of Kansas graduate student Jake Esselstyn was collecting bat species in 2006 with a research team in the forests of the Philippines when a guide told him about an unusual fruit bat he’d seen.

The man described a bat with orange fur, white stripes on its face and a black beard on its throat. Its facial features resembled that of a fox, and its wing span was about two feet.

“I didn’t believe his description. I thought he was a prankster,” Esselstyn, 33, said. “And then, a few days later, we caught one.”

Although the “flying fox” bat had been known to Filipinos and bat hunters for a long time, he said, a specimen had never been captured.

Esselstyn said the Filipino government announced the discovery of the bat and “word spread.” Since then, he has been interviewed by National Geographic and other media.

“It’s a nice example of how little we know about the animals in the world,” he said.

Esselstyn, who grew up in Oregon, moved to Lawrence in the fall of 2004 to work on his Ph.D. in ecology and evolutionary biology. His dissertation, he said, explores “genetic variations across geography.”

In the past three years, Esselstyn has made six trips to the Philippines to collect specimens. The island country already was familiar to him because he had served as a Peace Corps volunteer there from 1998 to 2001, doing biodiversity and inventory.

He said little is known about the flora and fauna on the island, so finding a new mammal species is “not as uncommon as you might believe.”

Esselstyn said the researchers set up nets on farms, in forests and over streams to catch the bats while they were flying. Sometimes, they sought out the bats in caves.

“They get tangled up in the nets and getting them out is time-consuming,” he said.

The researchers have caught as many as a thousand bats in one night, he said.

“There are 75 to 80 (known) species of bats in the Philippines,” he said. “Some are common and then there’s others that are rare.”

The researchers determine which bats they want to euthanize and export to KU to study. Once the animals are at KU, he cleans some of the skulls and skeletons and preserves some of the bat bodies in jars filled with a preservative. The specimens are then catalogued in order to secure the data.

“I’m interested in how animals diversify, colonize a new area and evolve into a new species,” he said.

When the KU researchers are done studying the specimens, one-half is sent to the Philippine National Museum in Manila; the other half remains in the collection at KU’s Natural History Museum.

Esselstyn said the “flying fox” fruit bat is “the flagship species for conservation in the Philippines” because its appearance is so appealing it has the potential to change the way people think about bats.

On the island, many legends about bats flourish, he said. A popular legend involves a half-man who has wings and enters people’s homes to drink their blood and steal their bodies.

“It’s difficult for one species to overcome that legend,” he said, “but if we give the government a reason to protect a patch of forest it’s found in, that’s great.”

Esselstyn’s research is supported by small grants from the KU Natural History Museum Endowment Fund, American Philosophical Society, Society of Systematic Biologists, American Society of Mammalogists and National Science Foundation.

Esselstyn and a herpetology student from KU returned to the Philippines earlier this month. At some point, he hopes to collect samples from Malaysia.

Eventually, Esselstyn would like to work as a curator at a university-based museum.
The skull of the newly discovered Mindoro stripe-faced fruit bat is shown Oct. 2 in Lawrence.

University of Kansas Biodiversity Research Center’s Jake Esselstyn, a 33-year-old Kansas University graduate student, shows photos of a new bat species.
Silt crowding out drinking water in reservoirs

Two-thirds of Kansans rely on man-made lakes

CHRISTINE METZ
CMETZ@THEWORLDINFO

KANOPOLIS LAKE

By midafternoon, luck strikes on Kanopolis Lake for three Kansas Biological Survey scientists.

It's a crisp autumn day. The water is slightly choppy. Waves spill into the boat. The scientists wear windbreakers, flannel shirts, work boots and ball caps.

A grin — wide and excited — spreads across Mark Jakubauskas' face.

"This is awesome," he says.

On the computer screen in front of him are layers of colors — blues, greens, yellows, oranges and the occasional red. To most they would mean nothing. To Jakubauskas, they are the reflections of sound waves that ping from the boat to the bottom of the reservoir and back to the boat. Over the course of two days, they will send 200,000 of these pings through the water.

In the moment the grin appears, Jakubauskas is looking at a computer screen showing a steady line of red across the middle. A few inches above it are some yellows and oranges.

The sonar has just captured the original bed of the reservoir, which before the dam’s flooding in 1948 was the valley floor. The lighter colors above indicate the amount of sediment that has collected since the reservoir was built.

With a few pings, Jakubauskas estimates there is about 8 feet of silt accumulated beneath them.

The crew has been waiting all day — actually more like months — for this kind of easy-to-read data. Without it, they would have to use decades-old topographical maps and do complicated calculations.

But, here it is, in an instant, clear as a picture — just how much silt has gathered and how big of a problem Kanopolis Lake is facing.

Since this spring, Jakubauskas, KU ecology professor Frank "Jerry" deNoyelles and Scott Campbell, associate director of the KU Field Station, have spent days in this sturdy, aluminum fishing boat, turned research vessel. They have mapped the silt on about a dozen reservoirs in Kansas. Much of their work is funded through the Kansas Water Office.

The data indicate how much storage capacity the reservoirs have left for drinking water and flood control. And, if the time should come, the numbers will help establish how much sediment needs to be dredged from the bottom.

Their findings are important to state officials, who will spend the next half-century determining what to do to keep Kansas’ aging reservoirs vital.

Inevitable

DeNoyelles stands along the shore of Kanopolis Lake. An eroded bank looms above him. Dirt sifts through his hands. This, Kansas’ fine-sandy soil that once was an ancient inland sea bed, is the problem, he says.

Kansas isn’t like Minnesota with its granite rock locking in glacier melt to form lakes thousands of years old. By nature, lakes aren’t suppose to be here.

The soil, which so easily washes from farmland and river banks, is carried by sheer hydrologic force downstream. That is until the water reaches the mouth of the dam, where it slows. As the water settles, dirt drifts down to the bottom of these man-made lakes. Over decades, feet upon feet of silt stack up.

If nature has its way, someday — in 200, 300, 400 years — the reservoir will disappear.

"It is inevitable. That is the striking thing about it," deNoyelles said. "These reservoirs, this reservoir that we are looking at right now is going to fill in in a century."

The problem is, Kansas has come to depend on those reservoirs. From small farm ponds to Milford Lake, with its 163 miles of shoreline, the state has thousands of them.

When the U.S. Army Corps of Engineers began building reservoirs in Kansas — starting with Kanopolis — it was to provide flood control. They later became sources of public water supply, irrigation and recreation. Today, two-thirds of Kansans and much of the eastern side of the state rely on reservoirs for drinking water.

Even when they were built, the reservoirs were given lives of 50 to 100 years. Just a year shy of 60, Kanopolis has approached and passed middle age. Many others will follow in Kansas and in other Great Plain states, which will face the predicament of dirt displacing water.

The drought that has hit the southeastern United States — and panic over the declining drinking water in reservoirs — highlights the importance these bodies of water have on public welfare.

The sedimentation coming into the country’s reservoirs has to be incorporated into long-range planning, said Michael Hayes, director of the National Drought Mitigation Center at the University of Nebraska-Lincoln.

“If you are an official and not considering that, then you are missing something,” Hayes said.

Just a few days before the Kanopolis expedition, Kansas Water Office Director Tracy Streeter stood in front of a room full of state legislators, department heads, federal bureaucrats and water experts at the Dole Institute of Politics. He threw out a date: 2012.

Five years from now, the supply for water in southeastern Kansas’ Neosho River Basin is expected to smack straight into the rising demand. And, if the
The region were to experience droughts as severe as those in the 1950s, there would not be enough water in storage for everyone who wants it.

For every year after 2012, it takes a little less drought for the water supply to dry up.

The largest of reservoirs in the Neosho River Basin is John Redmond, where almost half of the space needed for drinking water has been filled in with silt. The Kansas Water Office estimates that the amount of sediment settling in the lake each year would cover 2,075 acres a foot high with muck.

**Smelly water**

From the stern, deNoyelles guides the boat across Kanopolis Lake. He looks between his Global Positioning System and Jakubauskas’ screen, which has red, ribbonlike lines charting the lake.

As he steers, deNoyelles talks about another project under way with the Kansas Biological Survey. Just as weather patterns are studied to forecast annual crop yields, deNoyelles said he is trying to look at weather and water conditions to estimate algae growth in reservoirs.

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**MARK JAKUBAUSKAS**, a research associate professor for the Kansas Biological Survey, and Frank (Jerry) deNoyelles, associate director, survey bank erosion at Kanopolis Lake southwest of Salina on Friday Oct. 19, 2007. Sedimentation has many top Kansas officials concerned about the future of Kansas reservoirs, which are filling up with silt.

FRANK (JERRY) deNoyelles, associate director, navigates the waters of Kanopolis Lake southwest of Salina on Oct. 19. DeNoyelles is part of a team of researchers that is measuring the silt that is filling up reservoirs in Kansas.
help in predicting water quality.


It's nothing poisonous and it won't make people sick. But, the water will have a musty, earthy, fishy taste, deNoyelles said.

"Really, all of our reservoirs are at some stage of having a problem with the taste in our drinking water," deNoyelles said.

Lawrence's water supply has had "taste and odor" problems from the algae growing in Clinton Lake. Assistant Director of Utilities Philip Ciesielski said he couldn't say if it had anything to do with the lake's increasing sedimentation.

Upstream from where the city of Lawrence pulls water out of Clinton Lake, sits the water intake system for Shawnee County Rural Water District No. 8. In the years after Clinton Lake formed in 1977, the district noticed the water quality decrease as sediment built up around one of the lines drawing water. Within a decade, the line was abandoned, general manager Dennis Schwartz said.

In the next 10 to 25 years, another line — this one higher in the lake — could be threatened by silt, Schwartz said.

"We are in the upper reaches of the reservoir. So we probably are seeing, witnessing, the first negative aspects of sediment accumulation," Schwartz said. The solutions

From the bow of the boat on Kanopolis Lake, Campbell gives an overview. Call it Kansas Reservoirs 101.

The lesson: There is no easy answer on what to do to keep the reservoirs viable.

"If it were easier, we'd already know what to do," Campbell said.

Walter Aucott, director of the Kansas Water Science Center and with the US Geological Survey, told the crowd at the Dole Institute that efforts to shore up river banks and stop water runoff haven't been working as well as they had hoped.

The federal government hasn't built a dam in Kansas for 25 years. Federal agencies at the Dole Institute made it clear that building reservoirs isn't as simple as it used to be. They now have to factor in endangered species and environmental impact studies.

And, all the prime spots for reservoirs are taken.

Raising the level of the dam for some reservoirs could mean flooding out parts of towns and cities.

Dredging is an expensive proposition. DeNoyelles estimates to dredge some of Kansas' lakes could take up to a $1 billion.

Even if money was there to pay for the dredging, there has to be a place to put the uprooted silt and there are environmental impacts. When the sediment is dredged, pollutants are stirred up and the lake's habitat is disturbed.

The view

For the past decade, deNoyelles has been sounding the alarm on the rising sediment levels on the reservoir bottoms, his colleagues said.

State Rep. Tom Sloan, R-Lawrence, credits part of his concern to deNoyelles and Ed Martinke, director of the Kansas Biological Survey. The gathering of state officials at the Dole Institute was Sloan's idea.

For Sloan, a major question is who will pick up the tab for the changes needed in the reservoirs.

This year the state will send the federal government about $2.5 million so it can store water in its reservoirs. Sloan would like those annual payments to come straight back to Kansas. And, another tax — a few cents per 1,000 gallons — might be needed on drinking water, he said. He also thinks the fishermen, boaters and beachgoers should help out.

"If we do nothing for the next 10 years, we are going to be OK," Sloan said. "But the ultimate cost is going to be much higher. I believe it is better to pay a little bit today and prevent a crisis tomorrow than it is to try to address a crisis when it occurs."

As the boat bounced across the top of Kanopolis Lake, the pings at full throttle and the sun shining, the rising sediment seems far below the surface — out of sight and easy to ignore.

Then the image of the rock bottom covered in feet of sediment pops up on Jakubauskas' computer screen, bringing the problem into full view.
FRANK (JERRY) DE NOYELLES, associate director, launches a boat off the banks of Kanopolis Lake. DeNoyelles is part of a team of researchers from the Kansas Biological Survey that is measuring the silt filling up reservoirs in Kansas.

FRANK (JERRY) DE NOYELLES, left, an associate director of Kansas Biological Survey, navigates the boat as Mark Jakubauskas, a research associate professor, monitors a computer display showing sediment deposited on the bottom of Kanopolis Lake.
RESEARCHER Frank (Jerry) deNoyelles brings his boat to shore on the eroding banks of Kanopolis Lake southwest of Salina.
NCCC’s new Allied Health Classroom in Lawrence opens

Since November 1999 Neosho County Community College and the University of Kansas have partnered to provide allied health courses in Douglas County. These courses include certified nurse aide, medication aide, and other entry-level health occupation courses. These entry-level courses lead to direct employment and also meet prerequisites for entry into licensed and registered nursing programs.

On Monday, Nov. 5 at 4:30 p.m. a ribbon cutting will be held at 3320 Peterson Road, Suite 105, Lawrence, for Neosho County Community College’s new Allied Health Classroom.

Through this partnership 97 courses have been held and 1,308 allied health students have been trained. With the rapid growth of employment opportunities in the health care industry, more and more students seek training in these areas. This growth has made it possible for the opening of a facility dedicated exclusively to the training of these entry-level allied health employees.

The new training facility, located at 3320 Peterson Road, Suite 105 in the Art Executive Office Park complex, provides two fully equipped classrooms and a reception area to serve students. The new facility opened in July 2007 and has been in constant use since. It has allowed NCCC to expand the number of courses offered and allows two courses to run simultaneously. In addition to holding classes in this new training facility, NCCC continues to offer one certified nurse aide course per semester on the University of Kansas campus to facilitate the needs of KU students in obtaining this prerequisite course.

Through partnerships between institutions of higher learning, the needs of Kansas employers and employees can best be met. The allied health facility in Lawrence Kansas is one example of a successful partnership.
First Trust Company Sells to Midwest Trust

The owners and board of directors of FT, Inc. announced on Monday of this week that Brad Bergman and Brad Scafe have signed an agreement to purchase FT, Inc. and First Trust Company of Onaga (FTCO) with an anticipated sale closing date of January 2008.

Bergman, whose Northeast Kansas family ties date back to the 1840’s, is a Washburn University law school graduate. He is the principal owner of the Midwest Trust Group of companies, which includes Midwest Trust Company of Overland Park, Kansas, the state’s largest trust company. Bergman and Scafe are founders of the state’s largest employee benefit trust company, Benefit Trust Company. Brad Scafe, President of Benefit Trust Company, is a lifelong Kansan and a graduate of The University of Kansas.

According to an article printed in the Kansas City Business Journal the company has grown rapidly since its founding in 1993. Including affiliates, it now has about 125 employees who manage $8 billion in assets spread among 8,000 accounts.

“We are proud the state’s most experienced and successful trust company owners and managers have purchased First Trust Company of Onaga,” said Kurt Saylor, Chairman FT, Inc.

He added, “Bergman and Scafe are excited about the future of FTCO and look forward to the opportunity to leverage FTCO’s extraordinary group of employees and continue the growth of FTCO in Onaga. We expect all employees and senior management to be retained and compensation and benefits will not change. The employees, clients and community will benefit from this transaction. The honest, caring and hardworking characteristics of our employees attracted the pair to this opportunity as they share our values and tradition of success.”
ROUND ONE, MARINE’S DAD

Federal jury awards father compensatory, punitive damages

By James Carlson
THE CAPITAL-JOURNAL

The father of a fallen Marine won a nearly $11 million verdict Wednesday in Baltimore against the Westboro Baptist Church, a decision seen as a first against the Topeka group who pickets soldiers’ funerals around the country.

Albert Snyder, of York, Pa., sued the church for damages after members demonstrated at the 2006 funeral of his son, Lance Cpl. Matthew Snyder. The church and three of its leaders — the Rev. Fred Phelps and two of his daughters, Shirley Phelps-Roper and Rebekah Phelps-Davis, 46 — were found liable in U.S. District Court on Wednesday for invasion of privacy and intentional infliction of emotional distress.

The jury awarded $2.9 million in compensatory damages and $8 million in punitive damages — $6 million for invasion of privacy and $2 million for emotional distress.

“The going price for the First Amendment is apparently $10.9 million,” said church spokeswoman Margie J. Phelps when reached by phone outside the Baltimore courtroom. Phelps is another daughter of Fred Phelps.

Westboro Baptist Church members routinely picket funerals of military personnel killed in Iraq and Afghanistan, carrying signs such as “Thank God for dead soldiers” and “God hates fags.” They contend God is punishing the United States for its support of homosexuals.

Phelps said they would “probably” appeal the decision. Neither Snyder nor his attorneys were available for comment Wednesday.

Local law professors said the case is unprecedented.

“It could go either way,” Washburn law professor Michael Kaye said of any potential appeals.

The murky legal waters leave unknown what higher courts might do, experts said, but some hinted that

Please see CHURCH, Page 6A

ONLINE

County:
Shawnee
Continued from Page 1A

the church had a strong case for appeal.

Civil side

Doug Linder, a constitutional law professor at the University of Missouri-Kansas City, said there were two questions surrounding the case: the civil case implications and the First Amendment right issues.

Linder said when civil juries are deciding if speech intentionally inflicted distress, they look at the outrageousness of the speech and the intention behind the speakers.

“(Westboro Baptist’s) speech is probably more to draw attention to their message, not to inflict emotional distress,” Linder said.

He said the case could swing in higher court on how in-your-face they were with the message.

Kaye said courts have consistently held that citizens have an absolute right to a belief, but he said there is a difference between expression of belief and conduct.

“You can’t use freedom of speech to engage in conduct that unduly infringes on the rights of others, and that’s where the rubber meets the road in this case,” Kaye said.

Free speech

Even if this case met the requirements for intentional infliction of emotional distress, said University of Kansas constitutional law professor Richard Levy, the bigger issue is whether that would violate the First Amendment.

“The courts are going to have to decide whether the states’ interest in protecting the emotional well-being of the family in the context of a funeral outweighs the First Amendment interest of the speaker,” Levy said.

Kaye questioned, too, the wisdom of a decision that could chill free speech.

“Some of the things the Phelps do provoke controversy and anger, but free speech does that,” he said.

Levy said there are instances where speech can be regulated, such as in libel or slander cases, but he said those usually involve a specific person whose reputation has been damaged. Levy said the case against the Phelps was more vague because their signs didn’t single out Matthew Snyder. According to court documents, the church’s Web site did later mention the Marine’s name, saying his parents taught Snyder to “support the largest pedophile machine in the history of the entire world, the Roman Catholic monstrosity.”

Margie Phelps said Wednesday that the U.S. Supreme Court has

Please see CHURCH, Page 8A
Joy on some fronts

Topeka Mayor Bill Bunten applauded the jury's decision.

"I think there will be a lot of smiling people in Topeka tonight who will be pleased with the verdict," Bunten said. "For far too long, this group has been an embarrassment to Topekans."

Bunten said Topeka residents have never approved of Westboro Baptist Church's message or its picketing.

Members of the church have conducted anti-homosexual protests since 1991 and hundreds of pickets at soldiers' funerals in the past two years, according to Margie Phelps.

Phelps said she was thankful for the jury's verdict, because it was the ultimate manifestation of the country "throwing down on God." She said if people think Wednesday's court action will stop the church from its protests, they are wrong.

"We have a duty, and we are going to faithfully fulfill it," she said.

Capital-Journal staff writer Tim Hrenchir and The Associated Press contributed to this report.

James Carlson can be reached at (785) 295-1186 or james.carlson@cjonline.com.