University of Kansas seeks ban of unlicensed shirts

LAURENCE (AP) — The University of Kansas’ athletic department is taking a Lawrence clothing store to federal court this week, seeking an order banning the store from selling unlicensed Jayhawk-related merchandise.

While Kansas has gained newfound popularity this year with its success in football and a national championship in men’s basketball, department officials say their lawsuit isn’t about timing but protecting their right to manage, license and benefit from the university’s image and its teams.

“It’s not more important now than it was a year ago or two years ago, but the success that we’ve enjoyed this year certainly highlighted the importance of this issue,” said Jim Marchiony, associate athletics director. “From our perspective, what’s at stake is the use of our marks and the goodwill and good name of the University of Kansas ... That’s what this is about.”

Larry Sinks, who sells unlicensed shirts online and through his Joe-College.com store, disagrees. He sees the university’s lawsuit as an attack on his First Amendment rights, noting that he has purposely avoided using any marks that are protected by the university, such as the Jayhawk mascot or the words “The University of Kansas.”

“We’re just prepared to fight the fight,” he said. “We feel it’s our freedom of speech to say what we say on our shirts. ...”

“I’m a taxpayer in this state, and I have been for many years, and I feel I have the right to use my state name on a shirt anytime I want.”

The university argues that Sinks’ shirts are close enough to the university’s own offerings to confuse customers into thinking he’s selling officially licensed apparel. For example, school officials pointed to T-shirts he printed in connection with Kansas’ trip to the Orange Bowl that are on blue shirts similar to Kansas’ official color, say “Hawk Football” on the front and “Orange You Glad We’re Going Bowling in Miami,” with the words “Orange” and “Bowl” printed in orange. Another blue shirt says “Missouri, it’s Your Turn to Pick Cotton (nice bowl game),” a reference to the University of Missouri playing in the Cotton Bowl this year.

Another of the shirts doesn’t mention Kansas football coach Mark Mangino by name, but refers to his ample girth with the words “Our Coach Beat Anorexia.”

Kansas Athletics say they’re not trying to stop Links from making and selling shirts that they find distasteful, just the ones infringing on their legally protected trademarks.

“This is about our marks and protecting the good name of the University of Kansas,” Marchiony said. “We deal with this issue all of the time, with other entities who play by the rules.”

Sinks said that he tried to secure licenses for selling official Kansas merchandise but was rejected, so he decided to make his own shirts that didn’t require licenses. None of his shirts include a picture of the Jayhawk mascot or say “The University of Kansas,” which are both protected trademarks.
Mildfelt elected to Honor Society of Nursing, Sigma Theta Tau Internat'l

Erica Mildfelt, Chanute, has been elected to membership in the Honor Society of Nursing, Sigma Theta Tau International as an undergraduate student through Delta Chapter at the University of Kansas School of Nursing in Kansas City, Kan.

The honor society is one of the largest international nursing organizations, works to foster, develop and connect nurse scholars and leaders worldwide to improve health care.

Mildfelt, daughter of Dan and Lisa Mildfelt, received a Bachelor of Science in Nursing degree in May from the KU School of Nursing.
Thayer students earn University of Kansas Allied Health scholarships

KANSAS CITY, Kan. — The University of Kansas School of Allied Health announces students who have earned scholarships:

Lorena May Spratt, Thayer, Marsha E. Melnick Research Award.

Katie Maria Holtzman, Thayer, Bill Bradley Leadership Award.
Kansas Supreme Court: Gambling law is constitutional

Question about Kansas Expanded Lottery Act put to rest

TOPEKA (AP) — Plans for four state-owned and -operated resort casinos will continue moving forward but without any doubt about their constitutionality.

In an unanimous ruling Friday, the state’s highest court put to rest the question about last year’s Kansas Expanded Lottery Act, which calls for casinos in Cherokee, Ford, Sumner and Wyandotte counties, plus slot machines at the Woodlands in Kansas City, Kan., and Camptown Greyhound Park in Frontenac.

Millions of dollars in profits for casino managers and revenue for the state were in the balance until the ruling. Eleven casino corporations are vying for the casino management contracts.

The key question was whether state owned and operated, as spelled out by the law, really was that.

“While the state is not the exclusive owner and operator of all aspects of the lottery enterprise under KELA, the state owns and operates the enterprise by itself and owns and operates key elements of the lottery,” Justice Eric S. Rosen wrote for the Kansas Supreme Court.

“It is unnecessary that the state own the physical plant associated with the lottery. It suffices that the state own the game, or the scheme, or the enterprise. Such a definition is consistent with a standard review favoring the constitutionality of KELA,” Rosen wrote.

The state constitution was rewritten by voters in 1986 to allow a state-owned and -operated lottery, and the court said in 1994 that the term “lottery” is broad enough to include slot machines and other casino games.

Twelve states have commercial casinos, but only Kansas would have state-owned and -operated facilities, according to the American Gaming Association. The state has four tribal casinos on reservations in northeast Kansas.

Concerned that developers would be reluctant to invest unless the law were upheld, Gov. Kathleen Sebelius asked the attorney general’s office to get a ruling from the court.

The attorney general argued that the Kansas Lottery would regulate and control — but not own and operate — the casinos. The court rejected that argument.

“The statutory scheme, when read in its entirety, shows that these direct statements of ownership and operational control are not mere verbal camouflage,” the court said.

The ruling didn’t please everyone. House Speaker Melvin Neufeld, an Ingalls Republican, was disappointed.

“It is disingenuous to think when Kansans voted in 1986 to created a state-owned and -operated lottery and allow the sale of scratch game tickets, they were voting to allow casinos in our state,” he said. “I would certainly prefer to sit down and find a way to make our state financially secure without literally staking our future on a bet.”

State officials expect to get at least $200 million a year from the new gambling revenue. It already has received $236 million in privilege fees from applicants, but losers will get a refund. The state will end up keeping about $80.5 million plus interest earned from all the fees.

Legislators already planned to use some of the money for the budget year starting July 1, including a one-time $300 payment to state pension fund retirees, amounting to $7 million, and $20 million in bond payments for expanding the University of Kansas pharmacy school.

Woodlands general manager Jayme LaRocca said the ruling allows the operation to continue with plans to install 800 slots once it reaches a deal with the Lottery. He said it will take six to nine months to get the slots running after a contract is signed.

Ed Van Petten, Lottery executive director, said he was “very much relieved” by the ruling. He said the casinos are supposed to be open for business by 2011.

“Even though it wasn’t a surprise, it is nice to have it behind us,” Van Petten said.

Dan Biles, the Lottery’s attorney, said the ruling would help defend against any challenges to how the law is implemented.

“This court is really embracing how this law is composed and how it intends for the state to have an active roll in the ownership of a commercial casino enterprise.”
state to have an active role in the ownership of the games," he said.

Last month, the Lottery Commission approved 11 contracts to manage the four casinos and forwarded them to the seven-member Lottery Gaming Facility Review Board, which will pick the contractors for the Cherokee and Sumner casinos on Aug. 21-22 and the Ford and Wyandotte casinos on Sept. 18-19. All must pass a background check by the Kansas Racing and Gaming Commission.

"We have a schedule set and proceeded as though it would be upheld. It won't change our time as far as the process we are going through," said board Chairman Matt All. "If they had struck down the statute, I assume that would have eliminated any need for the review board."
Area students make KU rolls

Area residents earning honor roll distinction for the spring 2008 semester at the University of Kansas were:

Barbara Atkins, Meagan Cheung, Michael Cunningham, Tyler Dieker, Brandy Groff, Suni Habeland, Nicole Hunt, Drew Miller, Jenna Mittelmeier, Erin Monfort, Alexander Porter, Dylan Porter, Ashley St. Clair, Molly Stanley, Sabrina Strickler and Scott Toland, Iola; Bonnie Croisant, Peter Meier and Michael Miller, Humboldt; Jaci Hartman, LaHarpe; Krista Drake, Moran; Scott Bird and Sabrina Gregersen, Le Roy; Courtney Clark Toronto; and Andrew Stark, Yates Center.
Kathleen Williams of Leavenworth was recently elected to membership in the Honor Society of Nursing, Sigma Theta Tau International as a graduate student through Delta Chapter at the University of Kansas School of Nursing in Kansas City, Kan.

Williams received a Master of Science degree in nursing from the school in May.

To be elected to the organization, students must achieve a grade-point average of at least 3.5 on a four-point scale and have completed at least one-quarter of the nursing curriculum to qualify for membership.
KU students studying bees

BY ALEXANDER PARKER
Lawrence Journal-World

LAWRENCE, Kan. —
Bees. They can be a
nuisance, hovering around
picnics and menacing pets
and children. But
researchers at the
University of Kansas think
they might be the key to
harnessing new types of
engineering technology.

Rudolf Jander, professor
of animal behavior, and
two students, Jason Palikij
and Daniel Najera, are
studying how European
honeybees find their way
back to their hives when
disoriented. It’s research
that could produce a new
generation of unmanned
space vehicles or safer
firefighting techniques.

“If they can close some
of the knowledge gap
about bee orientation, it
would be quite helpful for
the engineers,” Jander
said. He said engineers are
fascinated by how insects
use their tiny brains, and
so they look to scientists
for explanations. The
research is being done in a
field near the Dole
Institute of Politics.

Palikij, a graduate
student in entomology, is
hoping to “train”
honeybees to find their
way back to their hives.
Studying a theory he calls
the Peripheral Correction
Area, Palikij spends his
days observing the bees’
travel patterns. He began
the experiment in mid-
June.

“Bees have been
studied for a long time,”
said Palikij, 26, noting that
Aristotle observed bees in
ancient times. But the type
of work he is doing is
unlike anything the Greek
philosopher could have
imagined.

“In terms of
entomology and insect
behavior, it is
groundbreaking,” he said.

Palikij uses two tables,
spaced 15 meters apart,
and two jars with an
enticing licorice-smelling
syrup, to observe the bees
as they feed on the liquid,
then fly off to their hives.
Periodically, he will move
the jars to different tables,
confusing the bees. He can
then watch to see whether
they find their bearings.

He observes for five
minutes at a time, or for 15
bee departures, taking
notes on a voice recorder
about where the bees go
after feeding.

The researchers have
had one problem: Other
bees joining for dessert.

To differentiate between
his bees and others, Palikij
dabs his with green paint,
gently tapping them with
a cotton swab tipped with
water-based paint.

“I’m not Picasso, but it
does the job,” he said.

This leg of the
experiment will be
complete by Friday. The
next phase is to disorient
the bees by taking them
about 150 meters away
from the hive, then moving
them to a feeding area 15
meters from the hive.

Bees might be pesky,
but they deserve to be
researched, Jander said.

“It is very difficult to
overstate the importance of
honeybees in
agriculture, economics and
scientific insight,” he said.

“There is no other insect in
the world that has had
more scientific research
than honeybees.”
Smith Earns Kudos At KU

A Rose Hill student is one of more than 60 undergraduate and graduate students at the University of Kansas who were recognized for outstanding academic performance in writing and teaching during an awards ceremony at the Kansas Union.

The students were honored with more than $29,700 in awards and scholarships.

Benjamin Smith of Rose Hill, son of Kelly and Shirley Smith, was awarded second place in the Grant K. Woodman Playwriting Award.
VP talk aside, Kansas governor could be nearing career crossroads

By CHRIS GREEN
Harris News Service

TOPEKA — She's among the most talked about options when the pundits speculate about who Barack Obama will select to be his running mate.

But Kansas Gov. Kathleen Sebelius isn't doing much talking about her political aspirations beyond her present role as the state's chief executive.

Even so, political observers across the state are keenly watching the trajectory of her career, which could have profound political implications within the state, as well as national politics.

Should the presumptive Democratic nominee for president select someone other than Sebelius for the No. 2 slot, analysts say her prospects on the national level would be far from dimmed.

Sebelius' rising national profile and the tight political bond she's forged with the Illinois senator could continue to open doors for her, they say.

Kansas State University political scientist Joe Aistrup said that if Obama wins the Nov. 4 presidential election, Sebelius would likely be a prime candidate for a top post within his administration.

"I think she is very likely to be sought after for a role at the national level," Aistrup said. "Whether or not she accepts — that's another story. That is her decision. But I'd say the likelihood is very good that she'd be offered a role as a cabinet secretary or some other role of importance within the administration."

Burdett Loomis, a University of Kansas political science professor, agrees that Sebelius has probably set herself up for a political future in Washington, D.C., should she want the opportunity.

"Without any inside knowledge, sure I think that, by and large, the governor has put herself in a situation to possibly have a national role," said Loomis, who worked within her administration in 2005 before returning to the university.

But Loomis said it's probably even more significant that the state government's top official has developed such strong ties with the man who could be the next president.

"Whether or not she takes the opportunity or declines it," Loomis said of Sebelius' potential national role, "I don't think there's any question that she's solidified a really strong relationship with Barack Obama."

'A large figure'

Much of the chatter in recent weeks has centered on whether Sebelius, a two-term Democratic governor in a predominantly Republican state, would be the right choice to be Obama's vice presidential nominee.

Analysts generally cite her executive experience as a strength since she's the two-term Democratic governor of a predominantly Republican state. But some argue that she doesn't have the necessary foreign policy experience or possess the ability to woo very many additional votes for Obama.

Others note she'd face long odds in trying to even deliver her home state for Obama. Because it tends to be a Republican stronghold, Kansas is seen as likely to tilt toward the presumptive GOP nominee, Arizona Sen. John McCain.

Sebelius herself, who is term-limited in 2010, isn't saying much about her chances of landing on the Democratic ticket. Earlier this month, she told reporters that Obama's selection of a running mate is entirely up to him.

"While I appreciate the press interest, this important process has just begun and Senator Obama will let everyone know when it is complete," Sebelius said at the time.

The governor also hasn't said whether she'd be interested in a cabinet post or some other role within the administration, spokeswoman Nicole Corcoran said.

"Governor Sebelius has said she will do whatever she can to support Barack Obama as she believes he is the right leader for our country," Corcoran said. "She has not been more specific than that except to say that these decisions..."
are nis to make, in his own time.”

If she’s actually selected to be Obama’s running mate, Sebelius could campaign with Obama and remain the state’s governor, said Stephanie Wing, a spokeswoman for Secretary of State Ron Thornburgh, whose office oversees elections.

Should Sebelius resign to take a post in an Obama administration, it would elevate Lt. Gov. Mark Parkinson to finish out Sebelius’ unexpired term. Parkinson would apparently have the option of naming his own lieutenant governor under that scenario, Wing said.

Aistrup said it’s difficult to envision the state’s political landscape without Sebelius. That’s because she has been front-and-center as state officials have dealt with a record budget deficit, passed historic increases in schools, authorized state-owned casinos and battled over coal plants in southwest Kansas.

“She has been a large figure in the state’s politics over the past six years,” Aistrup said.

Her departure would also be a huge change for Kansas Democrats, who’ve seen Sebelius play a key role in building up the party. The governor has helped buoy the party’s fundraising efforts and led the party to historic wins in the 2006 elections.

Despite that, Alan White, the Saline County Democratic Party’s chairman, said he’s happy to see that Sebelius could be considered for a leading role within Obama’s administration.

White, who lives in Salina, said it shows that Obama wants to surround himself with the nation’s best and brightest public officials, which would be good for the country.

“I’m just glad he’s seeking top quality and Kathleen Sebelius is top quality,” White said.

New focus?

But Sebelius’ national rise isn’t going unnoticed by her fiercest critics, either.

Christian Morgan, the state GOP’s executive director, said that he believes Sebelius’ focus has shifted from running the state to bettering her image in the national media.

Since endorsing Obama in January, Sebelius has campaigned for the senator in places as varied as Colorado, Utah, Ohio and Mississippi.

In recent weeks, Sebelius has addressed a Democratic event in her home state of Ohio and seen her name mentioned in dozens of national newspaper articles and on television.

Over the past month, Corcoran said the governor’s office has responded to at least 30 local, state and national press in regards to speculation about Sebelius and the vice presidency.

Corcoran said the governor’s campaign stops generally happen when she’s outside the state for another event, such as policy lectures, or on her own personal time.

But Morgan said Sebelius’ efforts to bolster Obama aren’t helping address the pressing problems that Kansas faces, such as keeping jobs from leaving the state.

“I don’t think there’s any doubt that the governor is focused 100 percent on Barack Obama’s campaign,” Morgan said.

But Loomis said that should Obama win, Kansans could benefit in the long run from his ties to Sebelius, particularly if she decides to finish out her term as governor.

Should Democrats win significantly more seats in the Legislature this fall, Sebelius may also see an opening for leaving a bigger legacy in Kansas, he said.

“I think the 2008 election will be very important,” Loomis said, “and who knows what will happen with Kathleen and Obama.”

But Morgan said he’d actually be happy to see Sebelius find a new job outside Kansas because the party doesn’t believe her policies have been helping the state.

“I would help her pack her bags,” Morgan said.
Poll worker shortage may miss county

By JENALEA MYERS
Herald Staff Writer

Although several Kansas counties might experience a shortage of poll workers for upcoming elections, it’s too early to tell in Franklin County.

County Clerk Shari Perry said recruitment of the county’s poll workers will begin sometime in July, with about 100 workers needed to run the polls.

Perry said each location requires at least three workers, but larger locations might have five or six workers.

“It’s usually the same people for the most part,” she said of the workers who run the polls. “Occasionally, someone will be on vacation, and we’ll have to find someone new.”

Brad Bryant, state election director, said many Kansas counties could experience a shortage.

“It might be worse this year because we’re expecting a larger turnout, so some counties might be beefing up their staff,” Bryant said.

He said counties are getting creative to fill the positions and have the option of hiring 16- and 17-year-olds.

This spring, Douglas County’s election office tried to recruit University of Kansas students via e-mail. The message, signed by University of Kansas Chancellor Bob Hemenway, invited students to participate in this “important civic endeavor” by staffing the polls.

Kansas isn’t the only state hurting for workers. About 2 million poll positions are open nationwide. Bryant said young people have a lot to offer as workers.

“They have strong backs and, technologically, they’re not intimidated by the equipment,” he said.

With the average age for poll workers in Kansas at 62, Bryant said changes in technology may also contribute to fewer people willing to work the polls.

State laws have increased pay for workers and offered half-day shifts as an alternative to the 16-hour days. A full-day shift pays $120 — about $7.50 an hour.

The Associated Press contributed to this report.