

OPINION

DAILY JOURNAL

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"The Daily Journal is dedicated to community service, to defense of individual rights and to providing those checks upon government which no constitution can ensure."

SCOTT ALEXANDER
founding editor, 1963

Opinion roundup

EDITOR'S NOTE — Today the Daily Journal presents a sampling of editorials from around the state and nation:

First year of Indiana's fireworks law a dud

The Journal Gazette, Fort Wayne

The spark of Indiana's lax new fireworks law might have died, but the boom is still resounding. That's why three local lawmakers are sponsoring a bill to restrict their use statewide to five days a year.

State Reps. Phil GiaQuinta and Win Moses, both Democrats, and Republican Rep. Phyllis Pond want to limit fireworks use to July 3-5, Dec. 31 and Jan. 1. The 2006 General Assembly lifted most fireworks restrictions, a move that last year increased the use of fireworks, produced much more noise and trash, and affected quality of life in numerous Hoosier neighborhoods.

A Senate bill also has been filed that would give cities and counties the authority to establish their own fireworks laws. Moses wants a statewide approach so Hoosiers would know what the law was regardless of where they were celebrating. It also would facilitate uniform enforcement.

The \$40 million fireworks industry has much political clout, and its supporters already are framing the issue in terms of citizen rights. But citizens also have the right to peace and quiet, a right that was trampled upon last year.

Last year's fireworks law revision showed lawmakers what an open season looks like. Now it's time to determine what is reasonable.

Amniotic stem cells hold unique promise

The Herald Bulletin, Anderson

Stem cell research has been a controversial topic for years. In 2001, President Bush restricted funding for research because he opposed the destruction of embryos for any purpose. New findings, however, reveal that the research can be obtained without damaging embryos. This is a major scientific breakthrough.

Embryonic stem cells are more important to researchers because those cells haven't yet attached to organs. Without this attachment, the cells can be studied for organ makeup and what can go wrong with the cells, which leads to disease.

The only way to get to these stem cells has meant the destruction of the embryo. Until now. Scientists revealed this week that the amniotic fluid that surrounds the fetus is rich in stem cells. Removing those cells for study doesn't harm the fetus.

Scientists don't know how many cell types can be made from stem cells in amniotic fluid, and preliminary tests in patients are years away.

Even with lots of questions unanswered, this finding gives hope to many who are suffering from diseases that stem cell research might alleviate, bringing understanding and maybe a cure.

Opposing latest Bush war plan not unpatriotic

The Record, Hackensack, N.J.

President Bush traveled to Fort Benning, Ga., last week to promote his plan of sending more than 20,000 additional U.S. troops into Iraq.

In the early days of the Iraq war, top Bush administration officials characterized opposition to the war as unpatriotic. After more than 3,000 Americans have died fighting in Iraq, the president and his advisers can no longer sing that tune. It has been drowned out by buglers playing taps.

The addition of 20,000-plus U.S. troops will not bring a diplomatic or military resolution to the Iraq war. It will bring more deaths: American and Iraqi.

The president is confident that an escalation in troop levels will stabilize Baghdad. We are not convinced, and neither are congressional Democrats and Republicans. The United States cannot continue to sacrifice the lives of dedicated soldiers in an effort to salvage what Sen. Chuck Hagel, R-Neb., said was "the most dangerous foreign policy blunder in this country since Vietnam, if it's carried out."

We do not lack for courage or patriotism. We do lack more than 3,000 brave Americans who have died in Iraq. A flag-draped coffin should not be an exit strategy.

Beckham's job is to bend U.S. to soccer

The Rockford (Ill.) Register Star

A fading athlete will get millions of dollars to promote a sport that has failed to capture the attention of most Americans.

David Beckham will play soccer for the LA Galaxy on a contract that could be worth \$250 million. Beckham is the best-known soccer player in the world since Pele. If you don't know who Pele was, or have never seen a soccer game played by people older than 10, therein lies the problem.

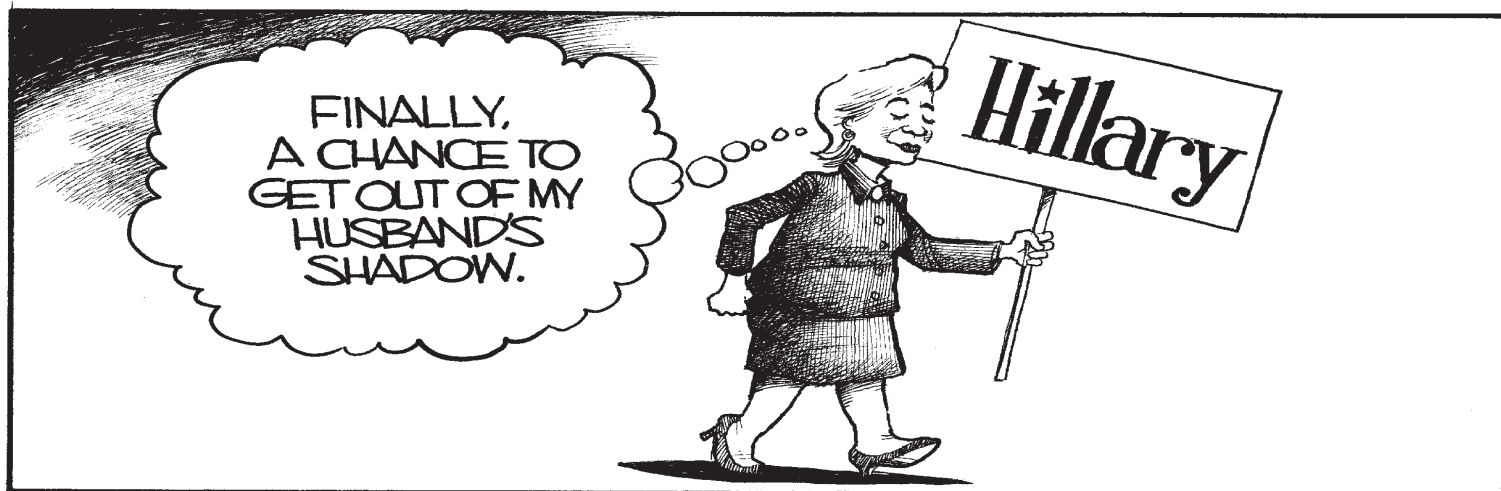
The hope among professional soccer folks is that Beckham and his huge marketing potential will make Americans care about soccer. Beckham is a huge celebrity who is friends with folks like actor Tom Cruise. A 2004 movie, "Bend It Like Beckham," is named for him.

Even though Beckham's skills are declining — he started only five of his team's 25 matches last year and was dropped from England's international team — he will probably be one of the best players in the United States.

That's another problem. U.S. soccer is considered second-rate; having a European has been excel here will do nothing to change that perception.

But let's face it, this is more about celebrity than soccer. Beckham will bring people to soccer stadiums. He and his wife, a former Spice Girl, will provide plenty of fodder for tabloids. Soccer may not be pushed to the front page, but Paris Hilton may be pushed off it.

That may be the best news all week.



San Diego Union-Tribune
COPY NEWS SERVICE



Prisons' role to protect, improve lives

A story published in the Jan. 8 edition of the Daily Journal focused on an inmate released from prison after serving time for a violent crime.

In the same edition, a second story described how offenders may reduce their sentences by successfully completing certain rehabilitative programs. I would like to add additional dimension to this story.

It is true that most offenders convicted of crimes, even violent crimes, will someday complete their period of incarceration and be released from prison to return to their families in their home communities. It is not true, however, that all of them serve only the minimum period of incarceration. Because of their own misconduct in prison, or their failure to complete rehabilitative programming, some offenders serve much more than the minimum period of incarceration.

Judges establish the length of sentence based upon the facts of the particular case, and the ranges established under Indiana law. Unless modified by the courts, the length of this sentence never changes.

Prison time is not the same as sentence length.

The portion of this sentence that will be served in prison or on parole or probation is determined by an offender's own conduct. Offenders that avail themselves of rehabilitative programs and abide by prison rules will qualify for credit time that will be added to their actual time served to determine their date of release.

Those who make the greatest effort toward successful completion of programs and comply with prison staff can reduce their security classification (i.e. move from maximum, to medium, to minimum security facilities), and also reach their date of release sooner.

The Indiana Department of Correction currently holds 24,000 adult offenders. Last year the department conducted more than 11,000 offender disciplinary hearings in which credit time was taken away from offenders.



J. David Donahue
GUEST COLUMNIST

The amount of credit time taken away varies, depending on the seriousness of the prison rule violation and the behavioral history of the offender, but it could range from 30 days to two years worth of credit time.

Many of these offenders were also dropped in credit-earning class and lost the ability to earn credit time as fast as they otherwise could. Offenders disciplined in this way also lose the ability to collect earned credit time for educational and rehabilitative treatment programs. The effect of these combined sanctions causes noncompliant offenders to serve a greater percentage of their sentence in prison, instead of on parole or probation.

The worst violators lose the ability to earn credit time at all and serve the complete balance of their sentence in prison.

Offenders want to get out of prison as quickly as they can. That is why credit time is such an effective prison management tool.

Offenders will comply with rules designed to ensure a smooth running facility in order to collect good-time credit and get out as soon as possible.

In the process, some of these offenders will understand the importance of abiding by rules designed to protect the smooth running of their community. Of course, there are offenders who will try to use the system to their advantage.

When I took over as commissioner of the Department of Correction, some offenders were earning educational credit any way they could.

Some would jump from school to school to earn multiple degrees of the same level, while

others would actually go down the education ladder to pick up easy credit.

The General Assembly changed the law to allow me to put a stop to this, which I did. I issued a change in policy that requires offenders to receive credit time for their educational achievements only if they continue to climb up the educational ladder. Earning a year or two in credit time for only a couple of classes is no longer permitted.

Other action has been taken recently to improve public safety by enhancing the monitoring of potentially violent offenders who transition from prison to the community.

Your story quoted a probation officer who was frustrated because confidentiality laws prevented the Department of Correction from sharing important information about an offender's education, substance abuse treatment, and medical and mental health.

Last legislative session, the Department of Correction successfully proposed a change in law that today gives staff the ability to, without fear of violating offenders' rights of privacy, share vital offender information about returning offenders with partners in the community who want to help ensure the offenders do not return to a criminal lifestyle.

The department is also piloting the use of new technologies, such as satellite tracking devices, to keep closer watch of potentially violent offenders on parole.

This system tracks real-time movements of certain serious offenders and can help determine when to notify local law enforcement to help prevent additional crimes from occurring.

The Internet is proving to be a great public safety tool as well.

Last year, working with the Indiana Sheriffs Association, the Indiana attorney general, and the General Assembly, the Department of Correction developed an Internet-based statewide sex offender registry program that ties in all county registries and the state police.

This new system will be more accurate and up to date. The department also developed Web sites designed to improve the success of offenders returning to the community.

The Internet is also useful to bring good new ideas to the surface and to share information with the public. Within the past year, the department developed several Web sites to improve communication and public safety.

One site helps link returning offenders with community resources. Another lists the offenders who are fugitives from justice. There is a site that assists victims of crime and a Web site that allows anyone to see who is incarcerated, where they are and what their release date is.

Of course, the department's main Web site offers contact information so that anyone with a good idea on how to improve Indiana's correctional system can communicate directly with me or key members of my staff.

As a resident of Johnson County and the commissioner of the Indiana Department of Correction, I assure you that promoting public safety is the mission of our agency.

We are charged with ensuring that all 24,000 offenders in our custody serve out the sentences imposed by the courts.

While they are incarcerated, we provide them with opportunities to learn new job skills, develop family values and engage in self-improvement programs; all of which are designed to prepare offenders for a smoother transition to the community, leading to a safer Indiana.

The Department of Correction is dedicated to working with community partners and establishing new partnerships to protect and improve lives in all communities.

After all, re-entry is everyone's business.

J. David Donahue is commissioner of the Indiana Department of Correction and wrote this guest column for the Daily Journal. Send comments to letters@thejournalnet.com.

Individual liberty can be limited for public safety

Last month, there were three nationally publicized stories that caught my attention involving searches and rescues. These stories illustrate that in America, our freedoms are important. However, sometimes we must wonder whether certain liberties are beneficial.

The first story involved the recovery of a World War II Army Air Forces fighter pilot's body from a remote mountain in China. As soon as the U.S. government was informed about the catastrophe, a group of forensic experts and a recovery team were sent to the site to recover and identify the airplane and its remains. Upon determination that the plane was American, the pilot was transported back to the United States and buried honorably at Arlington National Cemetery.

When we hear this kind of story, we feel fortunate and proud that our government is willing to honor the military men and women who sacrificed their lives to protect the rest of us. No one would dispute our government's efforts. After all, those who give their lives in battle for the sake of our freedom are certainly entitled to a proper and fitting burial at home.

Obviously, the pilot was involved in something serious: war. His mission was not one of pleasure or recreation. He was most likely doing what he was told



Yu-long Ling

by his superiors. The government, then, in the form of the U.S. Army, was responsible for the mission in the first place; hence, their willingness to give this man an honorable burial was proper and necessary.

The second story concerned a middle-aged man named James Kim, who was a husband and a father. While traveling down a mountainous road in Merlin, Ore., he and his family apparently took a wrong turn and ended up lost and stranded in the snow.

Kim left the vehicle in order to seek help. While he was gone, his wife and two daughters stayed in the car and were eventually rescued by the Oregon state authorities. After exhaustive and expensive efforts, both by the Kim family and the state, Kim's body was finally discovered. Unfortunately, it was too late.

It was difficult for all of us to divide our feelings between the joy of knowing that the wife and children were safe and the sorrow knowing that Kim did not

make it. My sympathy for the Kim family notwithstanding, I couldn't help but wonder why they attempted such a treacherous journey, given the bad weather.

The third story, which also occurred in Oregon, concerned three mountain climbers who decided to challenge both the climate and the difficulty of climbing Mount Hood. According to several reports, the climbers were not well-equipped for their journey to the top. As a result, one was injured and left behind in a cave, while the other two went back to find help. The climbers did not make it; soon, the news spread.

Of course, a rescue mission was launched immediately, with state and local authorities employing the necessary equipment and personnel.

The efforts were nationally televised; in one instance, a commentator noted that those who were being rescued were actually endangering the lives of those attempting the rescue. A cruel irony, indeed.

As I watched the telecasts, I couldn't help but think of the families of those who were risking their lives for the sake of others. I also thought of our American sense of compassion employed during times such as these. Anything less would have been unacceptable.

I also felt frustrated, knowing

that the climbing of Mount Hood has a dire history. About 130 people have died either trying to get to the top or return safely. In a way, though seemingly brave, trying these daring things can be selfish. These thrill-seekers were well aware of the danger for themselves.

I suppose they also must have known that they would be putting anyone in danger who might have to rescue them, not to mention what it may cost.

In America, individuals have the right to seek their own happiness, but individual liberty is not unlimited. When liberty is in conflict with public safety and interest, perhaps the government should have the right to regulate.

Recently, I presented these three cases to a class at Franklin College.

The liberal arts education focuses on the development of individuals as moral agents, and it teaches students how to analyze and evaluate information.

The question posed to my students and now to my readers is whether individual liberty is more important than public safety.

It is certainly something to think about.

Professor Yu-long Ling holds the Williams Chair in Law and Public Service at Franklin College and is an internationally respected expert in foreign policy. He writes this weekly opinion column for the Daily Journal. Send comments to letters@thejournalnet.com.