

# OPINION

**THE HUTCHINSON NEWS**

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**EDITORIAL**

## Blind to Justice

Taxpayers, justice not served by overzealous Reno prosecution

More tells us that Lady Justice she seemingly also is costly.

For years there have been rumblings in the legal community that the Reno County District Attorney's Office is too aggressive in its pursuit of justice. Cases that should be dismissed are charged fully as crimes, with little effort to reach plea agreements that would efficiently resolve cases and let the courts and defendants move on to other matters.

Few cases demonstrate the issue quite like the story of 19-year-old Darryon Cushinberry.

In June 2014, Cushinberry took his cellphone to Alan Cole for repairs. Afterward, during a dispute over an \$80 payment – Cushinberry claimed he paid for the repairs; Cole claimed he didn't – Cushinberry snatched his phone from Cole's hand and left. After months of silence, Cushinberry assumed the the issue was settled. But on Nov. 11, Cushinberry was arrested in his dorm room at Independence Community College, charged with robbery, and eventually faced a jury, which found him innocent.

In the district attorney's office, this is what justice looks like. A young man committed a crime – or at least made a mistake and an error in judgement by grabbing his phone from another's hands. He faced a jury and was acquitted, thus justice was served.

That version of justice, however, cost Reno County taxpayers far more than the \$80 in dispute. They paid an assistant district attorney to try the case and for seating a jury to decide it. They paid officers to investigate the crime and defense attorneys to defend Cushinberry. They paid the court system to hear the case, which failed its duty at the preliminary hearing to protect against charges that lack merit and force prosecutors to show cause.

For Cushinberry, it cost him part of his college career. He lost his football scholarship and has to pay back the college's earlier investment in him. Had he been convicted, he wouldn't be eligible for financial aid and would face a host of other plagues that come with a criminal conviction.

All over a disagreement about \$80, between a victim with his own criminal past and a young man who – like many of us once did – reacted without thinking fully.

There's likewise the case of Todd Herrin, charged with stealing a loaf of bread from a local H&R Block. When the office staffers called police, they wanted a restraining order against the mentally ill Herrin. Instead he was arrested and has spent 17 months in jail, costing Reno County taxpayers nearly \$27,000. And there's Charles Davis Jr., who was charged with aggravated assault of a law enforcement officer for holding up a blanket as a defense against officers' Tasers.

And William Hickey, charged with aggravated assault with a deadly weapon in what was little more than a fight between a father and his son. Judge Tim Chambers dismissed the charges against Davis, while a jury acquitted Hickey of the original charges. Herrin remains in jail, awaiting trial.

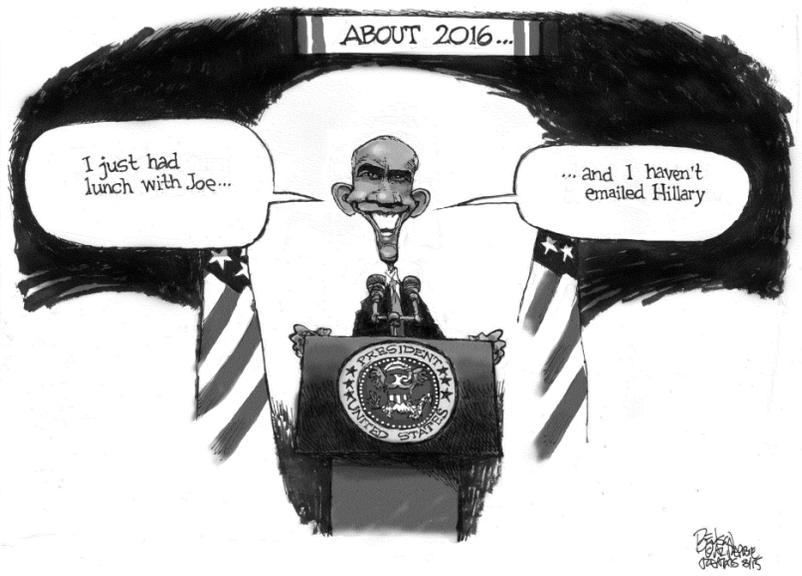
Is this what justice looks like in Reno County? Is this what the average citizen – and the average taxpayer – hopes to get with its investment in a legal system? It is difficult to believe that it is.

Justice takes many forms. Sometimes it is prosecuting a criminal so fiercely he never again sees freedom. Sometimes it is not prosecuting a case at all. Other times it is found in a civil case. And other times, it is found without the aid of law enforcement, prosecutors and attorneys but through discourse or getting the mentally ill the help they truly need.

In Cushinberry's case, the entire system failed him, but the ultimate responsibility rests with the Reno County District Attorney's Office, which possesses the authority of prosecutorial discretion over which cases to pursue and how fiercely to pursue them.

Though a jury ultimately found Cushinberry innocent, what happened can't rightly be called justice. His life was disrupted, and his family endured the strain and cost of the uncertain future of criminal charges. His record forever will reflect that he was arrested and charged with robbery.

That is not justice; it is a wanton disregard for the spirit of justice. And it is a failure to step outside of the insular world of the criminal justice system long enough to remember that behind every dispute, behind every allegation, is a person whose life could be forever altered by the inordinate power held by a handful of people in authority who seem to view criminal prosecution as a sport.



**COLUMNISTS**

## Good to the last drop

Community columnist



**Jim Schinstock**

I sat down this morning to start my biweekly column with no clear topic in mind. After a cup or so of coffee I had my topic: coffee, that marvelous elixir of the gods that has gotten me and countless thousands of others through the day. When I was teaching I averaged 10-15 cups of coffee a day at work; when I came home, I switched to iced tea. Although I've cut back on both recently, the bottom line is still the same: I need my caffeine.

I've discovered a couple of competing stories vying for the first cup of coffee. One begins in an area of Ethiopia called Kaffa, where coffee plants apparently grew wild. Around the middle of the 9th century, a goatherd named Kaldi noticed that his goats were behaving strangely after eating the red berries and leaves of a certain bush. His goats began jumping and dancing and cavorting around, full of nervous energy. Curious, Kaldi tried some of the fruit himself and felt an energy rush. Kaldi took his discovery to the abbot of his local Muslim monastery, who subsequently roasted the berries and made a drink that kept him alert through the long hours of evening prayer. Perhaps the Sufi whirling dervishes got some of their energy from this mysterious new brew.

Another legend has coffee originating in Yemen. Sheikh Omar was a doctor and imam from Mocha, Yemen. Instead of practicing his medicine on his Yemeni master (who was on his deathbed), Omar had spent his time wooing the master's daughter. Exiled and on the verge of starvation, Omar found some red berries, but they were too bitter to be eaten raw, so he threw them into a fire. Finding the berries still unsuitable for chewing, he boiled them to soften them, then drank the new brew. He returned home touting his new energy drink. Coffee was hailed as a new miracle drug, and Omar was

proclaimed a saint. A monastery was built in Mocha in Omar's honor.

Coffee's worldwide travels commenced with the Ottoman Empire's conquests of the 16th century. Since Islam forbids the consumption of alcohol, coffee became a substitute for wine and was named kahve ("wine of Arabia"). The first documented coffee house opened in Constantinople (Istanbul) in 1554.

But coffee still had some big hurdles before it became accepted. For example, a group of Venetian clergymen and councilmen asked Pope Clement VIII to declare the black beverage "the bitter invention of Satan." But the pope liked what he tasted and declared, "This devil's drink is so delicious that we should cheat the devil by baptizing it."

The Ottoman Empire resolved to keep a monopoly on coffee, so they made any exported coffee beans infertile by boiling them. Not to be outdone, a wily Indian smuggler named Baba Budan sneaked out of Mecca with some fertile seeds strapped to his belly. Soon the race to make and sell coffee was on, with the Dutch founding the first European-owned coffee estate in colonial Java (the reason why coffee is sometimes called "java").

French King Louis XIV received a coffee plant as a gift from the Dutch. Louis planted it in his Royal Botanical Garden in 1714. A young French naval officer, Gabriel Mattieu de Clieu, was being posted to Martinique and asked the king for some clippings. When permission was denied, de Clieu slipped

over the wall, stole some of the precious clippings and sailed off to Martinique. Kept under armed guard, the hardy plant yielded an extended family of 18 million coffee trees in the next 50 years.

Brazil's government wanted a cut of the coffee market, too, so they sent Lt. Col. Francisco de Melo Palheta to French Guiana, ostensibly to mediate a border dispute but with a secret mission of procuring some coffee seedlings. Rebuffed by the heavily fortified coffee plantations, the handsome, suave and debonair officer focused his attention on the governor's wife. At the state farewell dinner, the still-smitten governor's wife presented the young officer with a sly token of her affection – a flowery bouquet spiked with hidden coffee seedlings. These stolen seedlings became the base of the world's greatest coffee empire.

Although coffee was already known in this country, it only became popular shortly after the Boston Tea Party, when it became a patriotic drink. Americans have been drinking coffee ever since. Teddy Roosevelt supposedly drank a gallon of coffee every day. According to one source, when Roosevelt was served a cup of coffee at the Hermitage, Andrew Jackson's home in Tennessee, Roosevelt exclaimed, "Good to the last drop!" The phrase later was appropriated by Maxwell House, becoming one of the most iconic advertising slogans of all time. By the 1950s, the "coffee break" was becoming an established tradition all over the country.

So the next time you have a sip of your favorite roasted bean brew, pause for a moment and reflect back on the long and colorful history of coffee.

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## Inaccurate on education

FROM THE SALINA JOURNAL

**ANOTHER VIEW**

Education funding certainly is not an easy subject to grasp. But one would think that with all the resources at his disposal Gov. Sam Brownback would not be one of those who's confused about the fiscal reality of Kansas' K-12 education. But confused, or deliberately misleading, he is.

Recently, Brownback made an issue of the fact that, on average, Kansas teachers make about \$7,000 more a year than a teacher in Missouri. It was a good point for the governor to make, because stories were circulating that teachers were leaving the increasingly unfriendly teaching atmosphere in Kansas for jobs in Missouri.

It would have been an even better point to make had it been true.

According to a Wichita Eagle story, Brownback said the average Kansas teacher makes \$54,907 a year, to about \$48,483 for that Missouri teacher. However, Brownback's number included salary and benefits, and the Missouri number didn't.

A more fair comparison shows that Kansas teachers earn \$49,738 to Missouri's \$48,483. No one's hopping the border for \$1,000.

Not long after that, at a Wichita appearance, Brownback made the case that the state needs to put more money into classrooms. He noted that state law requires that 65 percent of funding go into the classrooms, and the state wasn't hitting that requirement.

Another good point by the

governor, except that, once again, it's not true. That 65 percent figure is not a state law. It's only a goal.

According to Mark Tallman, a lobbyist for the Kansas Association of School Boards, Kansas spends about 52 percent of total revenue on instruction, ranking it 22nd in the nation. In fact, no state hits that 65 percent figure.

By comparison, the state spends 17.4 percent on capital costs and debt payments, 8.1 percent on maintenance and operations, and a combined 9 percent on administration at schools and school districts, including for support staff, business operations, and legal services.

There always will be disagreements over whether we're adequately funding our schools. Hence the decades of schools suing the state for more money.

But it doesn't help when the governor, at the very least, doesn't give an accurate assessment of the issues facing the state.



**BROWNBACK**

## How would market chaos affect 2016 race?

WASHINGTON – The sudden turmoil in the financial markets is a reminder that when the preliminary hoopla is over and voters actually begin to select their presidential nominees, competence and cool will probably matter.

If the global swoon in stock prices were to turn into something more serious, which candidates would benefit? Could it give a boost to the billionaire developer who has a degree – as he constantly reminds us – from the prestigious Wharton School? Or would his four corporate bankruptcies and "ready, shoot, aim" approach to life make Donald Trump's supporters think twice?

I'm reminded of a story I've heard House Minority Leader Nancy Pelosi tell. You may recall that when the financial crisis struck in the fall of 2008, Sen. John McCain, the GOP candidate, melodramatically suspended his campaign and demanded an all-hands summit meeting at the White House. Democratic candidate Barack Obama was invited, as were the leaders of both houses of Congress and the frantic, sleep-deprived members of George W. Bush's economic team. Bush was a reluctant but gracious host.

The president offered McCain the floor, as Pelosi recounts, but it turned out that the senator had nothing of substance to say. Attendees were dumbfounded. Then came Obama, the constitutional lawyer, who gave an academic lecture on finance to a room littered with MBAs, including the former head of Goldman Sachs. Bush, who had no patience with meetings that wasted his time, leaned over to Pelosi and whispered, "Y'all gonna miss me when I'm gone."

In the end, voters decided that sangfroid, perhaps with a touch of



**Eugene Robinson**

arrogance, was better than cluelessness. The financial crisis alone didn't swing the election Obama's way, but it helped.

This sharp decline in stock prices is in no way comparable to the meltdown of 2008, which threatened the global financial system with ruin. Venerable investment houses are not failing. Big banks are not clamoring for emergency infusions of cash. There is no sub-prime bubble to burst.

But the current market losses, which began in China, are not happening in a vacuum. China's growth rate, which for years was about 10 percent a year, is down to a relatively anemic 7 percent, according to official figures – and the true growth figure is probably much lower, according to independent economists. A slowdown of this magnitude in the world's second-biggest economy inevitably ripples across the rest of the globe.

Oil prices, meanwhile, are lower than we've seen in years at about \$45 a barrel. This should be good news for consumers. But remember that the United States – not Russia or Saudi Arabia – is now the world's biggest producer of oil and natural gas. The domestic fossil fuels industry is bound to suffer.

How might all of this affect the presidential race? I'm guessing it could make voters pay more attention to the candidates' records on economic and financial management – and might give a boost to those with experience, as opposed to promise.

On the Democratic side, I would expect Hillary Clinton to get a bump. Polls consistently say that voters see her as the most experienced candidate in either party. Steady economic management is part of the Clinton brand. Sen. Bernie Sanders of Vermont has plenty of bold economic ideas, but I wonder if voters might look at their shrinking 401(k) balances and become more risk-averse.

The Republican side is where things get really interesting. Jeb Bush, as I've written before, was supposed to be the adult in the room, the consummate grown-up, the steady helmsman. But there's the slight matter of his brother, who let the 2007-08 crisis get out of hand before finally reacting with a huge bank bailout that many conservatives saw as corporate socialism.

Governors such as Scott Walker of Wisconsin and Chris Christie of New Jersey have already been pressed to defend their management of their states' budgets and credit ratings. Sen. Marco Rubio of Florida has had to answer for his precarious personal finances. Businesswoman Carly Fiorina did run a massive corporation, but there is disagreement over how well. Ben Carson was a tremendously gifted neurosurgeon but has never really run anything.

And then there's Trump. Many of his policy prescriptions are, to put it mildly, far-fetched. Round up and deport 11 million people? Somehow force the Mexican government to pay for a border wall? Take back jobs from China?

Logically, it seems to me that market craziness ought to be bad for Trump. But while his candidacy is about many things, logic isn't one of them.

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