OPINION

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"There is no hope for the satisfied man."
Post founder Frederick G. Bonfils, 1861-1933

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ThePostEditorials

Voters speak: Keep it clean

Ethics and decency mattered to Colo. primary voters as they turned away Andrew Romanoff and humbled Scott McInnis.

Colorado voters spoke loudly Tuesday and said they're tired of dirty, deceptive campaigns.

Insurgent candidate Andrew Romanoff was up 3 points in a poll almost two weeks ago, but then he launched his over-the-top ad calling Sen. Michael Bennet a corporate looter. It blew up in his face as Democratic voters resoundingly said no to those scorched-earth tactics.

And fueled by Tea Party enthusiasts, Ken Buck turned back Jane Norton's relentless, sometimes nasty jabs on the GOP side of the Senate race.

Not only do Colorado voters care about clean campaigns, ethics matter, too.

Presumed GOP gubernatorial frontrunner Scott McInnis saw his once-commanding lead in the polls vanish after his plagiarism scandal. He lost to Dan Maes, a virtual unknown just months ago who has his own credibility issues.

Both Maes and Buck benefitted from the energy and enthusiasm of Colorado's Tea Party members, who are tired of the same politicians and the same policies.

Buck is the Weld County district attorney who almost dropped out of the race last year when Norton, the former lieutenant governor backed by Sen. John McCain and a long slate of state Republican elite, joined the hunt.

Even though Buck was buoyed by the grass roots, the establishment candidate more than held her own. Buck's victory was close.

Norton managed to wound Buck by exploiting a pair of gaffes — his notorious vote for me because "I do not wear high heels" comment and his off-the-cuff remark deriding Tea Party members.

While we thought it is terribly unfair to suggest that Buck is sexist, the attack line could follow him into his race against Bennet, via the kinds of shadowy side campaigns that play a role in contemporary elections.

In the Democratic race, the power of the incumbency — and millions of dollars spent — held strong.

Unlike in other races across the country, President Barack Obama's imprimatur appears to have mattered here. Early on, Bennet had the money and the backing of national Democrats. (The famous exception was that of former President Bill Clinton, who backed Romanoff, but didn't come stump for him, as Obama did for Bennet.)

And while Romanoff kept up a hotly negative — and unfair — series of attacks on Bennet, the appointed senator prevailed.

Romanoff's claims that Bennet's work to keep thousands of jobs intact at cinemas across the country was actually the work of a corporate looter didn't pan out with Coloradans, and shouldn't have.

As of late Tuesday night, it was difficult to know what to make of the Republican gubernatorial primary, which became an outlier due to scandal and intrigue. It was still too close to call at our press deadline.

But the Senate race for November is set: Buck vs. Bennet. The candidates would be wise to heed the lesson of Tuesday's vote: Keep it clean.

Flat CSAP scores another sign that reform is crucial

Those who have been fighting education-reform efforts in Colorado are perpetuating a system that is not improving.

No wonder the state is de-emphasizing this year's Colorado Student Assessment Program results.

With the exception of a few bright spots, there's not much to brag about in the largely flat numbers, and that's a shame.

It's also exhibit A in the argument against maintaining the status quo in Colorado's K-12 education system.

Those who found every way possible to criticize recent reform efforts would, essentially, perpetuate the same system that produced these scores, with the exception of putting more money into it.

We have high hopes and expectations for planned changes, including those in the state's Race to the Top grant application.

It's clear, after years of stagnant CSAP scores, that Colorado needs a significant shift in policy to address entrenched problems that the current system is failing to solve.

Those intractable issues include achievement gaps between white students and those of color, and the inability to increase the percentage of low-scoring students on track to catch up to their peers.

This year's CSAP results showed 68 percent of K-12 students were testing at least proficient in reading; 55 percent for math; and 53 percent in writing.

Those are dreadfully low percentages, and not indicative of the kind of education system Colorado children deserve.

The recent Race to the Top application, which has made the first cut in the competitive federal grant program, counts on many hard-fought reform efforts and sets high goals.

The state promises to get those reading proficiency scores up to 85 percent, math to 85 percent, and boost the high school graduation rate from just under 75 percent to 90 percent.

Those are staggering increases, and they won't come easily.

The state is counting on a range of reforms to get there, including linking teacher evaluations to student academic progress, turn-around support for the state's 72 consistently low-achieving schools, and strategies to train Colorado's 40,000 teachers in the state's recently passed education standards.

A few Colorado districts already have made some hard-earned progress, but many of those gains have come only after roiling debates about reform and leadership.

Among those districts stepping out are Aurora Public Schools, Denver Public Schools, Harrison District 2 in Colorado Springs and Mapleton Schools, north of Denver.

These districts deserve support and respect for the work they've done so far.

There is a lot underway in Colorado K-12 education. The problems are complex and the bar for success has been set high.

The state's recent CSAP scores are just another indicator of how important it is for Colorado to pursue game-changing education reform.

Mike Keefe, The Denver Post

TheOpenForum

Judicial philosophy and Elena Kagan's confirmation

Re: *"Judicial philosophy matters," Aug. 5 Mike Rosen column.*

Mike Rosen's column was timely in many respects. It is obvious that judges have political philosophies, just like everyone else, and that is important in choosing judges. It has been said that good judges study the Constitution to determine how to interpret it in a particular case. Activist judges decide the case, then look for justification in the Constitution, even if they have to rely on "emanations from the penumbra" of the Constitution, as Justice William O. Douglas so famously stated.

Two recent judicial decisions on same-sex marriage illustrate this point, reaching the same outcome but for opposite reasons. In Massachusetts, the judge decided that the federal Defense of Marriage Act could not override the state permitting same-sex marriage because it was the traditional role of states to define marriage. In California, the judge decided the state's voters could not ban same-sex marriage because of the federal constitution (which does not mention marriage). How can they have it both ways?

Richard W. Postma, *Littleton*

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Mike Rosen and other conservatives neglect to mention an important fact about Judge Robert Bork. In 1973, when Bork was acting as the attorney general of the United States, the highest law enforcement officer in the country, he followed the orders of then-president Richard Nixon to fire Archibald Cox, the special prosecutor investigating ... Richard Nixon.

Bork was attorney general because two other men of greater integrity (Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus) resigned rather than carry out this order.

It has become fashionable of late (especially among conservatives) to believe that the president is above the law. It is astonishing to me that anyone would have considered Bork as a suitable candidate for a lifetime appointment to the Supreme Court.

Neil Bergstrom, *Englewood*

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I agree with Mike Rosen's evaluation that Elena Kagan embraces the "living Constitution" philosophy whereby a judge's morality or ethics may trump the voting majority. One conjures judicial rabbits out of the hat, so to speak.

Thomas Sowell's book "Intellectuals and Society" (page 171) reminded me of Justice William O. Douglas' majority opinion in Griswald vs. Connecticut where he based his ruling on "emanations" from the "penumbras" of the living Constitution. For a full treatment of this 1965 decision, the reader may review "The Tempting of America" by Robert H. Bork to see where this judicial magic has led our culture.

Southern Democrat Jimmy Carter got my vote in 1976, partly due to his religious testimony. Hiding behind a moderate label, he displayed left-wing commitments. That mistake taught me not to vote for the glib charisma of Barack Obama, who naturally favors liberal justices and policies.

Take Thomas Sowell: He's an intellectual I could vote for.

Laurence Harrod, *Denver*

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Re: *"Kagan confirmed as justice," Aug. 6 news story.*

If one read only your front-page article about Elena Kagan, they would likely conclude that, having never been a judge, she is unqualified for a position on the Supreme Court. Moreover, they might easily conclude that her work on policy for the Clinton administration makes her a political plant.

For the record, quite a few Supreme Court justices did not have prior judicial experience, including William Rehnquist. And, by the way, Rehnquist did similar policy work for the Nixon administration.

As to Ms. Kagan's actual qualifications, there was a box showing her bio, but it would have been far better journalism to state clearly in the article that she was a professor of law at Harvard, as well as the dean of Harvard Law School, and that her legal expertise is widely acknowledged.

Suzanne Wuerthele, *Denver*

Outraged by murders of doctors in Afghanistan

Re: *"Durango denies among 10 killed," Aug. 8 news story.*

"Gunned down", "execution," "killed" and "shot" are the relatively mild terms used by the media to describe the deliberate murder of a humanitarian team in Afghanistan. It appears that strong adjectives are not appropriate to describe an outrage that offends all measures of human dignity and worth. I submit that the press, when reporting a horror, must damn the act with words appropriately weighed. May I suggest "brutal," "unforgivable," "tragic" and perhaps "wanton"?

I say it is OK to feel — and express — moral fury when deserved.

Harry Puncec, *Lakewood*

Reasons for risky loan

Re: *"Jury still out on risky DPS loan," Aug. 7 editorial.*

Denver Public Schools and Sen. Michael "Have I Got A Deal for You" Bennet are burning in the Bonfire of the Vanities. In his defense, Bennet made an expedient business decision due to the lack of alternatives. Colorado is averse to tax increases. Colorado's leadership and voters are culpable in this mess by shying away from traditional tax-based financing of our schools and other governmental services. DPS and Bennet were in part responding to the fear-mongering of fiscal conservatives who scream at any hint of a tax increase, regardless of its purpose. The DPS situation is a microcosm of what will go wrong with all government in Colorado unless our political and business leadership go to the voters, as they did with Referendums C and D, and sell the case for taxes to finance our state's priorities, such as education.

Tom Carlson, *Lakewood*

Denver International Airport soon will install five more millimeter-wave screening machines like the one above.
Denver Post file photo

Thankful for security

Re: *"DIA to get five more whole-body scanners," July 29 news story.*

I would like to say thank you to the Transportation Security Administration and Denver International Airport for the additional body scanners. People like to complain they are losing privacy; I am happy to lose a little privacy to ensure I am traveling safely and will make it my destination.

I believe the TSA and DIA will take precautions to prevent the images from being leaked to the press or Internet. The program itself has an identity feature so the person being scanned cannot be identified.

Travelers should know — if you are not violating security requirements, you don't need to worry; for those who are, I hope you are prevented from boarding any plane from DIA.

Anne Webster, *Aurora*

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