

## Ban cell phones while driving. Allow gambling in your house. Tolerate obscene graffiti. Sound like a plan to you?

Interesting timing. At the same time everybody's favorite liberal, Chuck Shumer of New York, is sponsoring legislation that will require *all* states to ban texting while driving or lose 25% of their road funds, the City of Cheyenne is bringing the subject back around.

Four cosponsors of the latest federal violation of the Tenth Amendment to the U.S. Constitution come from the nation's most populous states. None compare to driving in sparsely populated states like Wyoming, Montana and the Dakotas. New York, where there are far too many people in too many large cities, many of whom live in New York City and don't own a car; New Jersey, the less said about New Jersey, the better - a guy can end up in a barrel of cement; North Carolina, other than basketball, what do they have to be proud of or lead in; and, Louisiana, where the average person is too dumb to dial a call while moving, let alone be more distracted while trying to spell "duh" on a text message than eating a Popeye's snack.

At this time, 14 states and the District of Columbia have a ban on texting while driving. Having immunity from prosecution probably doesn't discourage legislators from texting while driving - those who don't have taxpayer provided drivers. Nor from passing legislation that would apply to all others but not themselves.

Experts aren't too supportive of such a ban because it won't be enforced and many believe laws on the books already could deal with distracted drivers who pose a danger or get into an accident.

According to a recent internet article, "The Governors Highway Safety Association, which represents state highway safety agencies, said it does not doubt the dangers of texting and driving but does not support a ban because it would be difficult to enforce."

Being difficult to enforce has never stopped the City of Cheyenne from approving more ordinances. The one requiring dogs in pickup boxes or flatbed trucks be "restrained" or "leashed" seems to be working really well and is strictly enforced. Not! How about the 25 mph speed limit on neighborhood streets?

It is interesting to note that studies are quoted that conclude that hands-free wireless communication is as dangerous as hands-on cell phones. If a conversation with another is the danger, what do studies say about the increased likelihood of an accident with a passenger in the car to whom the driver is speaking? Or kids in the vehicles at whom the driver is screaming? Come on, mothers, I see you doing that. Or wiping the nose of a toddler in their car seat in the back seat of the gas guzzling SUV? Or trying to stuff the "Nook" into the mouth of a baby facing backward in the back seat?

The emphasis seems to be on bans dealing with texting while driving - not talking on a cell phone (hands-on or hands-free) while driving. Even the Democrats haven't threatened to withhold 25% of Wyoming's road funds if the state doesn't make it illegal to use a cell phone while driving - only texting.

And, don't think Shumer and his liberal gang are bluffing. Wyoming has had to knuckle under on speed limit, drinking age, right turn on red and BAC level (.08) to constitute drunk driving. No matter what the governor or legislature says, they will fold like a \$3.00 Pamida suitcase if the feds start to withhold those road funds.

No sooner had the Cheyenne Herald been tipped that a former elected official was holding high-stakes card games in his house than the City Council introduced a change to the City's gambling ordinance which could make the illegal behavior legal. Kind of like their attempt to legitimize the three remaining illegally permitted billboards on Dell Range, Pershing and Lincolnway.

We didn't even have time enough to set up our surveillance. It would be a waste of time to alert the police department - they aren't about to get in the middle of that can of worms. We'd plant a player in the game, wired up, and take a bunch of video of players coming and going and provide it all to the feds. It would have been so much fun.

Anybody out there like to play cards?

Maybe the change to the gambling ordinance was prompted by his having friends in low places. Ya don't suppose, do ya?

Which reminds me, I haven't had a response from a state senator who owns a house I have reason to believe was used as a meth lab. Now I have more reason to believe that was the case. If the owner would sue me, I could get him under oath and see what he knew about the tenants and goings-ons in that tiny rental apartment building. And subpoena police records about reported 911 calls made but not responded to.

The graffiti issue is covered in another article in this Herald but it kind of goes hand in glove with the subject of enforcing and ignoring chosen ordinances. If this tagging was being done on city council members garage doors, with four letter filth in giant letters, maybe they'd take the vandalism seriously. Perhaps if the damage was done on the south wall of the Bicycle Station and every passerby had to read the most offensive of vulgarities painted there, the city council might accept that graffiti is vandalism - that it is destruction of private property - and must be stopped. Maybe someone's wife or mother would be offended and city ordinances and state law would be enforced.

## A "virtual call center" to provide 100 new jobs. In the State! Oh, yipee!

Where do I sign?

Where *do* I sign?

Are we so desperate for something to call "growth" that an announcement of a foreign outfit planning to hire 100 people in Wyoming to make phone calls from their homes is newsworthy?

Not since the contracts with the trash-to-diesel felon has there been so much excitement at the Business Council and LEADS. An Illinois outfit will hire as many as 100 people to work from home - **FOR A WHOPPING "UP TO" \$9.00 AN HOUR!** A little above minimum wage.

The website for this outfit is comical.

The company calculates all the "commutes" this boiler room operation will eliminate by having people work the phones from their homes.

Cheyenne has been home to more than one full-fledged call centers in the past. Not "virtual" call centers but the real McCoy. They never last. Wyoming people will not suffer the indignities of making telephone calls to unwilling recipients. Certainly not for "up to" \$9.00 an hour. The website says that an employee, they are not independent contractors, can also earn benefits. Sure they can.

By working 35 hours a week or more - on the honor system apparently - the employee is "full-time and is "entitled" to perks like insurance, vacation and participation in a 401-K plan. Kind of like the employees of Warren National University who got bupkus. Entitled to or eligible for are a far cry from "getting."

This outfit supposedly has 7500 employees in 1000 cities. How many? 7500 in 1000 cities. An average of 7.5 per city. Not exactly a Fortune 500 operation.

## Mistrials

Recent news that there were two mistrials called, back to back for the same defendant, is not so much surprising as it is disappointing.

During jury selection, the pool is asked whether they have read anything about the case or otherwise seen news about it in the media - print or broadcast. Potential jurors do not always tell the truth about that question - they do not raise their hands as requested - but the reason is likely they believe they can make an independent decision even if they have been exposed to news about the case.

On highly publicized and sensational trials like the Timothy McVeigh case, the American people should not want people on the jury so uninformed that they are so unfamiliar with the matter that they

have not read, seen or heard anything about a case. Uninquisitive minds - dullards, if you will - should not be on juries.

Bailiffs should be trained and knowledgeable about what they can or cannot say to jurors. To tell a sequestered jury that the same defendant has a second trial tomorrow is absolutely prejudicial. That is unprofessional and that bailiff must undergo further training and satisfy the court that he/she understands his/her role.

At trials I've attended, each time the jury is excused - for breaks, lunches, the day, or court rulings outside the jury - the judge has admonished them not to discuss the case, form any conclusion, read about it, etc. For a juror to violate those rules, there should be a financial penalty if a mistrial has to be declared. They should have to pay.

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