

# CHEYENNE HERALD

THE LOCAL ADVOCACY JOURNAL

March 2, 2010 – Issue No. 189 – Next Issue, March 16, 2010

established January 30, 2002

## A Cowboy Creed?

Somebody has been listening to too much Michael Martin Murphey.

Our legislators have come to accept Baxter Black as their Messiah.

Those guys spew words to entertain and earn, hardly to enlighten or educate.

Voters know that once someone is elected to public office, they adopt the Golden Rule. But their version isn't the "Do unto others as you would have them do unto you," but "Those with the gold, rule."

There are many, not all, but many, in Wyoming who wish Wyoming were known and accepted for what it really is, not what some yahoos say it is. And, Wyoming is not a cowhand-dominated, bronco bustin' state with intolerant rednecks in every pickup. Many of us understand you can't accept all that money from the federal government and then poke your thumb in their eye.

The budget session each Legislative cycle should be reduced to ten days - five days for introduction and passage of non-budgetary bills and five days to pass the budget. A different division might be acceptable but the twenty day session in the even years is far too long. That is why so many absurd and unnecessary measures are filed, voted on and, all too often, approved and signed by the Gov.

When the 2010 Legislative Budget Session concludes, the Cheyenne Herald would like one legislator, or the Governor, to point to one piece of legislation (apart from the budget) that was absolutely necessary. One bill that made the state better, safer, healthier, stronger or improved our reputation or standing among ourselves or others. Just one.

It sure as hell can't be the Cowboy Creed.

That is one of the most bizarre pieces of legislation to come down the pike since considering a state cookie. Or, a state grass. Most knew that the state grass is pot. We don't need a bill on the books to confirm that. What? You say they didn't choose marijuana? Sorry. My bad.

We can't hope to be taken seriously by our neighbors or others around the United States when our legislators spend hours filing, introducing, debating, and voting nine hundred times in committee and on the floor(s) to adopt a Forrest Gump kind of behavioral code. "Don't spit your chaw on your mother's slippers, Forrest."

Come on. That's embarrassing.

Wyoming is home to the friendliest, most honest, hardest working, most loyal folks in the country and we don't need a stupid "state code" of any kind to confirm or refute that. Don't do that to residents.

When Michael Martin Murphey sings about not sitting shotgun when the pickup drives across the field 'cause you'll have to get out to open the gate, that was kind of cute. But, to adopt such silliness as an official "code" of a state, especially Wyoming, is demeaning.

Legislators just plain have too much time on their hands. Another example, their futile action to repeal the 17th Amendment to the U.S. Constitution.

Do these bumpkins from Wright or Wamsutter really think they have that kind of stroke - to repeal a Constitutional Amendment? Don't embarrass us.

And, yes, almost every Wyoming resident is familiar with the Tenth Amendment to the U.S. Constitution. The Founders had a purpose in adopting it but it has as much bite to it as a little "yip yip" poodle. Tiny men like Ron Paul and Ross Perot always point to that part of the Constitution but don't seem as familiar with the rest of it.

Back to the subject at hand - an adopted Cowboy Code of some kind.

They're adopting homilies. A homily is: "n. An inspirational saying or platitude."

There is nothing wrong with making a calligraphic framed sign of a homily or a dozen of them. But, Legislatures shouldn't adopt them as though they are legally binding or have greater significance than they do. The "code"

- (i) Live each day with courage;
- (ii) Take pride in your work;
- (iii) Always finish what you start;
- (iv) Do what has to be done;
- (v) Be tough, but fair;
- (vi) When you make a promise, keep it;
- (vii) Ride for the brand;
- (viii) Talk less, say more;
- (ix) Remember that some things are not for sale; and
- (x) Know where to draw the line.

Good Lord! Ride for the brand? What the hell does that mean? Good thing those doofuses aren't familiar with Lady Antebellum's: "It's a quarter after one, I'm a little drunk and I need you now."

## DA investigates mayor / council

Scott Homar took the bait.

He wilted under the WTE's pressure.

While his office doesn't have adequate time to prepare for trials on violent crime and plea bargains with the most despicable male violent criminals, Laramie County DA Scott Homar has time to devote to an absolutely harmless brief discussion of things at an executive session of topics preciously discussed publicly?

Pick your battles better, Scott. Pick your battles more wisely. This one is not worth a minute of your time or even a minute of time of the most incompetent attorney on your staff. Not one minute.

At some point after a January 11, 2010 meeting, referred to as an "executive session" even though not properly called by the mayor, and the City's February 23, 2010 request for permission from District Court to release a copy of minutes from that meeting to the DA's office, Homar decided he would "investigate" whether the Cheyenne governing body had violated **W.S. § 16-4-405**.

Don't you have better things to do in your office, Scott? Just because the daily newspaper failed in their last run at the city for conducting public business behind closed doors doesn't mean you should be dragged into the dispute.

Let's start at the end. Even if the governing body did discuss issues not within those they can discuss in executive session under **W.S. § 16-4-405**, there is no penalty. Repeat: There is no penalty.

You, Scott Homar, cannot prove they "knowingly" and "willfully" violated the law. There is a difficult time proving many in that group knowingly do anything.

### 16-4-408. Penalty.

(a) Any member or members of an agency who knowingly and willfully takes an action in violation of or conspires to take an action in violation of this act shall be guilty of a misdemeanor. Any member of the governing body of an agency who attends or remains at a meeting where an action is taken knowing that the action is in violation of this act shall be guilty of a misdemeanor unless minutes were taken during the meeting and the parts thereof recording the member's objections are made public or at the next regular public meeting the member objects to the meeting where the violation occurred and asks that the objection be recorded in the minutes. Either misdemeanor violation under this subsection is punishable upon conviction by a fine of not more than seven hundred fifty dollars (\$750.00).

And, Scott, you yourself recently said you will not prosecute a case you're not sure you can win. Well, this is one you cannot win. Which District Court judge do you think would be sympathetic?

In spite of state statute that protects the secrecy of executive session discussions, much of what was discussed has already been made public. And, unlike so many of the illegal acts committed by the City of Cheyenne governing body and individual members over the past nine-plus years, there was nothing of consequence discussed at the meeting in question.

The fact that the city attorney did not prevent discussions from ranging off subjects allowed in executive session is not surprising. He knows no better and he is not a quick learner. When he sought the necessary "court order" to provide minutes of that executive session to the DA, he also filed an ill-advised and highly inappropriate **MOTION FOR ORDER SEALING COURT FILE**. In other words, he wanted to keep secret from you that the group relying on his advice may have violated state law. On the following day, he withdrew his foolish Motion. Publicly, he said he had been told by Scott Homar that the "investigation" would be confidential so he (Dan White) didn't have to ask that the court file be sealed.

But, in his Motion [to Seal], it is apparent that he knew that and wanted the file to be kept from the prying eyes of media. He wrote: "The sealing of this court file will preserve the confidentiality of the District Attorney's request to review the January 11, 2010 executive session minutes and the City's response to said request."

He wanted to keep the "request" secret. **NOT** the investigation. He went on to write in the Motion, "... sealing of the court file will enable the District Attorney to receive and review the executive session minutes without being subjected to public scrutiny." City Attorney Dan White did not want you to know that the DA had made the request. Talk about paranoia.

He did not want the public to know that the mayor and council were being investigated. He did not want me, Channel 5 and the WTE to find out. But, we did. Now you know why the City screws up.

[WWW.CHEYENNEHERALD.COM](http://WWW.CHEYENNEHERALD.COM)