

Lockdown!!

Security concerns at City Hall

by Dave Featherly

As we look around us almost everyday - reading and seeing the destruction caused by war, mayhem and hate - one wonders what should and can be done to protect ourselves.

At a tiny school on an Indian reservation in northern Minnesota, a 16-year under-achiever went on a rampage and first killed his grandfather and his grandfather's girlfriend. Then he went on to kill seven more and himself.

That school, like so many others, had pretended to tighten security - Red Lake even before the Columbine disaster - but didn't really accomplish much by installing a metal detector, then putting unarmed security guards on the other side of it.

How could any school or government building believe that there was risk enough to make people pass through a metal detector, then not feel there was risk enough to arm the security guards? And how many times will a determined assailant storm the building whether it has or does not have a metal detector? What are they looking for, a beer can opener? To this date, have there been any instances of mass murders with a knife on a school campus or in a government building? That's all the metal detectors are good for.

In Cheyenne, at the County Complex, the metal detector is set at such a high level that belt buckles and shoes set it off. Few people can get through the device without sounding the alarm. After a thousand or more false alarms, do sheriff's deputies let down their guards?

In the U.S. Capital Building a few years ago, a guy got into the building with a gun. He killed and got killed before he could penetrate the building beyond the lobby but metal detectors have not ended the carnage.

Those determined to exact revenge - or just plain to kill - will somehow find a way past whatever security measures are in place or do their deeds in public places like churches, factories or post offices.

The new County Complex only attempts to secure the area of the courts. Offices of almost all county elected officials are unsecured. The first floor of the new building and the third floor of the old one house all elected officials but the Sheriff and the



Clerk of the District Court.

Wyoming's Governor and other state elected officials are in buildings without metal detectors.

Is there reason for concern? Is there reason for fear?

If a school shooting that left nine victims and the shooter dead can happen in Red Lake, Minnesota, it can happen anywhere.

If a shooting that left six hunters dead can happen near Birchwood, Wisconsin, it can happen anywhere.

But what precautions can be taken to diminish the real risk and at what inconvenience to the public and employees?

"... we cannot accept that there can be a breach of the peace unless there has been an act done or threatened to be done which either actually harms a person, or in his presence his property, or is likely to cause such harm, which puts someone in fear of such harm being done."

Instead of considering what risks they felt were faced in the city building and doing something about it over the past many years, they sat on their hands. Only when a nonthreatening incident took place did they awaken and will now undertake a cure that is worse than the disease.

A couple weeks ago, Ed Strader (who is an occasional contributor to the Cheyenne Herald) objected to a threatening letter he had received from the Cheyenne City Treasurer's office for a bill that was not his responsibility. The property in question had been sold by Strader in 2003 and the nuisance abatement was in May of 2004. It was not his charge to pay.

Because the matter will possibly proceed to trial, I will be sketchy with information. But Ed called the treasurer's office to complain that this vague but threatening letter should not have been directed to him. He later visited the city attorney's office and registered the same complaint and most likely demanded a correction and an apology.

Those of us who have known Ed Strader for a number of years, such as myself and Mayor Jack Spiker, know that Ed can be loud but has never been violent. Jack, in fact enlisted Ed to help on his political campaigns when he first ran for the city council in 1996 and again when he ran for the mayor's office for the first time in 2000. He was also instrumental in getting Ed named to the first Investment Committee for the city's financial investments.

As many who believe they have been wronged and cannot get the other side to accept responsibility or admit error, Ed Strader can get vocal. He also will use mild profanity but that, to my experience with him, is the extent of his actions.

After his telephone call and visit to the city building, Ed went home to go about his life.

However, that life was interrupted.

Two Cheyenne police officers visited him that evening and he was issued two citations. One for a violation of City Code Section 9.8.010 and one for a violation of City Code Section 9.08.020.

The first refers to "Disturbance of the peace and disturbance of property." The second to "Annoying, obscene or threatening telephone calls."

Taken in the same sequence of the events of that recent day, the telephone call came first. It is preposterous to assert that a telephone call demanding that the City correct a wrongful billing could be perceived as threatening or in any way out of line. In fact, city code language ends: "... provided however, that the normal use of the telephone for the purpose of requesting payment of debts or obligations or for other legitimate business purposes shall not constitute a violation hereof." Demanding a billing correction is a legitimate business use of a telephone.

The threat actually came from the letter. Strader was told that if he didn't pay an erroneous billing within 14 days, he would be turned over to city collection. Any language he may have used on the signer of that letter had to be mild compared to the threat of having his good name and credit affected if he did not remit for a charge that belonged to another person.

The purpose of this section of city code was not as used by the city attorney and police department. Its intent is to provide punishment for people using the telephone to harass, intimidate, extort, threaten or using obscene or filthy language for some sort of gratification.

If such a citation is appropriate, imagine how many people Cheyenne Light could have had cited for calls made to them over the past couple of months. Imagine how many retail clerks, when refusing to accept the return of a used swim suit, could swear out complaints against customers.

Protection against obscene, harassing or threatening telephone calls should not extend to arguments over the telephone. One person's argument is another's debate. The group currently in office in Cheyenne does not abide dissent or disagreement. To do so, in their minds, is wrong, intolerable or immoral. Now they want to extend that to illegal.

The city knows they were in the wrong and know they have made similar demands of residents in the past. They do not have a system in place to insure that current property owners receive notices which are intended for them, not the previous owner.

You see, they match an address where weeds may have been mowed or debris hauled away to its owner by asking for that information from the county assessor's office, full-well knowing that the information may not be current. Anyone having sought the name of a current owner of property in Laramie County knows that the only place with that information is the county real estate office.

Yet, the city refuses to seek the information from that source - they often and habitually send important notices to residents and nonresidents who no longer own the property requiring notification.

The second citation issued to Ed Strader is even more absurd. Breach of the peace is more clearly defined and litigated than threatening phone calls. Breach of the peace has more to do with fighting or acts of a violent nature than mere words.

Telling a city employee that they must correct the erroneous billing as you stand there or you'll kick their a-- or calling them obscene names to provoke a fight might lead to a true breach of the peace. But calling their action - the wrongful billing to you instead of the rightful owner of property - a profanity (animal excrement) is certainly short of breach of the peace.

One court wrote: "even in these days when affrays, riotous behavior and other disturbances happen all too frequently, we cannot accept that there can be a breach of the peace unless there has been an act done or threatened to be done which either actually harms a person, or in his presence his property, or is likely to cause such harm, which puts someone in fear of such harm being done."

A 2004 Wyoming Supreme Court decision was on a person's eligibility to possess a firearm based on a conviction of a misdemeanor crime of domestic violence. The appellant claimed his conviction for "breach of peace" was not reason to deny his application. The lower court record said the guy had, "forced his way into the home of his estranged wife, ... grabbed her by her arms, threw her down, threatened to hit her with a closed fist, and broke several items of personal property."

Ed Strader using strident language hardly rises to that level.

In the U.S. Supreme Court, a 1989 case was about a person who had burned the American flag in public. The court held that, "the statute did not meet the State's (Texas) goal of preventing breaches of the peace ... since the flag burning in this case did not threaten such a reaction."

These citations to Ed Strader should be withdrawn post haste. But action should be taken to tighten security in the city building without limiting access. A metal detector without an armed guard is worthless. And armed guards will be expensive. The alternative is to wait? Until