

"**ANYTHING TWO PEOPLE KNOW IS NOT A SECRET.**"

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Right to Bear Beer

A constitutional guarantee?

by Dave FEATHERLY

I have copies of both the Wyoming Constitution and the U.S. Constitution at my disposal and as hard as I've searched, I cannot find anywhere in either that motorists (drivers or passengers) have a "Right to Bear Beer."

This is not a play on the old Hamm's Beer bear - this is bearing beer. In fact, neither constitution makes a direct reference to bearing sandwiches, chips or cell phones, either.

Some "constitutional experts" will say that if it doesn't say it, it either is or isn't allowed. For example, it (the constitution) doesn't say citizens have a right to bear automatic weapons, so they must have such a right - because it doesn't say they don't.

The U.S. Constitution also does not say that women have the right to vote so they must not have such a right.

So, like the Bible, readers can kind of choose the parts that they can interpret in their favor and run with it. Sometimes, if it doesn't say something, that means it still means it. Other times, when it does say something, it really means something different. Constitutional scholars, like police chiefs with mail order master's degrees, use the Humpty Dumpty quote:

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean — neither more nor less."

Arguments in favor of allowing open containers of alcohol in the passenger compartment of a moving automobile border on the ridiculous. Some supporters may believe, as Pete Illoway does about cigarette smokers, that such users are more likely to be in fatal traffic accidents, thus reducing their later use and need for benefits from Social Security or Medicare.

What that reasoning overlooks is the strong possibility that accidents caused by people drinking - not necessarily drunk - also injure, maim and kill innocent victims in other vehicles or on foot.

Alcohol probably causes more social ills and societal costs than does smoking. If not more, at least a helluva lot. Both are addictive but seldom has there been testimony that anyone other than the user wrestled them to the ground and forced

either smoking or drinking upon an innocent or unwilling party.

Because of what I now do, I often hear from people who state they have a constitutional right to do this or that. Often, they are right. But, also often, they mistake what is a constitutional right with what is their choice - whether guaranteed in the constitutional or not.

Each year, local attorney Tony Ross has valiantly (with his pledge, Becket Hinckley) brought before the Wyoming Legislature a bill to ban open containers in vehicles. Each year, someone finds something confusing about the prohibition and enlists enough support to defeat the measure.

"But what about the Budweiser delivery trucks? Are you saying that if they have a beer can that has accidentally broken open in the trailer, that they would be subject to a million dollar fine and life in prison? Is that what you're after, Mr. Ross, life in prison for innocent truck drivers?"

Legislators from areas where workers actually generate a sweat by the end of the workday believe such workers should be allowed to pop a cool one on the way home from the mines. Let me tell you, folks, as a young man, I fell timber in the woods and I was tired enough at the end of an eight or ten hour day to fall asleep without a warm Leinie's in my hand.

These same characters (who probably have never done what they profess to be protecting - work at manual labor, that is) claim that the driver will not imbibe with the others because he/she will, Scout's honor, serve as the designated driver. It's as though the driver hasn't put in the same long, hard day in the mines that his/her passengers did.

Supporters of drinking and driving - or drinking and riding - come up with all the usual detours: "What about eating a Big Mac, huh, huh? Eating a Big Mac is just as dangerous." Well, eating a dozen Big Macs almost never results in a blood alcohol content reading of .12. The driver should probably have to keep both hands on the wheel at all times but the issue here is having alcohol readily available, not about spilling mustard and lettuce in your lap.

Maybe I missed it. Readers, help me out. Is drinking in a car a constitutional right?

Trashed!

Trash-to-ethanol project abandoned

In the presidential election of 1980, candidate John Anderson proposed a 50¢ a gallon gas tax so that we could achieve energy independence. So that we could use the funds to produce more oil in the United States and would not be at the mercy of OPEC nations and others for oil to produce gasoline, among other things.

I know a bit about Anderson's platform because I was a co-district chair with his campaign in Minnesota.

The problem with his proposal is that Americans have always been willing to buy gasoline made with oil from our enemies, just so long as the price is low. Kind of like buying all the China-made products from Wal-Mart - just so long as the price is low.

George W. Bush signed the Energy Act of 2005 (twenty-five years after Anderson's proposal), which sets a goal of being energy independent in 2025 (forty-five years after Anderson's proposal).

As a result of the 2005 Energy Act, many schemers are trying to develop plans to produce "alternative fuels" which are required and are finding willing dupes like the City of Cheyenne for their schemes.

Blending ethanol with gasoline has been around for years. At current, somewhere between 4 and 5 billion gallons of ethanol is produced annually and the Energy Act requires 7 billion gallons be in the system by 2012 - an easy goal to achieve.

Trash-to-ethanol is a technology which has not been perfected on a commercial scale in the United States. That does not mean the technology does not exist. It just means that no company - established or start-up, large or small, foreign or domestic - has found a way to convert trash to ethanol profitably or within environmental requirements in the US.

Waste-to-energy is quite another story. That is being done in the United States on a significant scale.

The Kansas City, Missouri (not Kansas) start-up operation that did a number on Jackie Smith and his retired Air Force staff at the Cheyenne Public Works department made promises to convert trash to ethanol, **NOT** to electricity or steam. Trash to ethanol is an unlikely outcome.

In addition to the issue of whether, even if it could be profitably accomplished, producing ethanol would be wise in the long run, the Cheyenne Herald pointed out that the company proposing to deliver on all of the outlandish promises to the City was new, inexperienced in the subject, without capital, and made up of men who had worked together on a electric transmission line company that had entered bankruptcy with them as employees.

After announcing the grandiose plans to partner with an unproven company, the City has had to pull back. Within weeks of the Herald's disclosures about Renewable Utility Development Corporation, the City has changed course. They are now exploring other solutions to disposing of the community's trash.

As the Herald and the late Felix Pino, long-time head of the city's sanitation department, both said, the existing landfill is capable of accepting trash for decades to come. During the last mayoral campaign, Dennis Rafferty said the same thing. The mayor disagreed but now that is one of the primary solutions being investigated.

"Pursue expanding current landfill and excavating problem cell."

This group is a classic example of the "So soon old, so late smart," axiom.

Years have been wasted and millions squandered seeking a solution when it was right under their noses all the time. The potential for a landfill on the Belvoir was just as preposterous as the trash-to-ethanol debacle.

From Day One, the Herald has pointed out what experts shared with us - that the geology on the Belvoir was not conducive for a landfill and such a landfill on top of a public water source (the Ogallala aquifer) was as undesirable as the same situation at the current landfill.

Retired military officers should not be in charge of developing a new landfill any more than a librarian should be in charge of constructing a new library. Knowing how to crease dress shirts and knowing the Dewey Decimal System is not the same as the problems facing both areas.

The City needs to hire experts in the field of trash disposal and finally get the job done right. Enough has been wasted.

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