

## Barbara Cubin to retire

After 14 often tumultuous years in the U.S. House, Wyoming Republican Representative Barbara Cubin will call it quits when she completes her seventh term in January of 2009.

As evidenced by the casting call which preceded the selection of John Barrasso to serve in Senator Craig Thomas's stead until the next general election after the Senator's death, an open seat often raises the testosterone level in many otherwise meek and timid political candidates.

Only one serious challenger had announced for Cubin's seat before her somewhat surprising proclamation in Casper that she would not seek an eighth term. That challenger is Bill Winney, a retired Navy Captain who had challenged Mrs. Cubin last year in the Republican primary and pulled 40% of the statewide votes.

After that showing by Winney, a couple of potential candidates with well-known family names claimed they had told Barbara Cubin that they were going to challenge her in 2008.

Bill Winney was not one of those. He didn't use the media to serve as his stalking horse. Based on his performance in the '06 primary, Bill felt he could convince enough additional Wyoming voters that he was the best choice in '08 and set

about traveling the state, listening and learning more, then announced his candidacy publicly and not as a private threat to Barbara Cubin.

Winney did not enter the beauty pageant in Casper - to serve some of Craig Thomas term - because he didn't want just "any" office that would take him to Washington. He seeks to represent Wyoming in the U.S. House and to represent "all" of the state - not split that representation with another as is the case in the U.S. Senate.

The selection process by a state's Central Committee of 71 members, as is the practice here in Wyoming, is heavily weighted toward insiders and legacies. Those who had traveled the state, lobbying only members of the Central Committee - not voters - or who had considerable contact with that handful (71) of Wyoming voters, had a marked advantage over one who presented himself to Wyoming voters at large.

The results were as expected. The tiara and sash were handed to John Barrasso - one who had been at every clambake and rubber chicken event where a Central Committee man or woman might be in attendance. Other members of the treehouse who went to the final cut were Cynthia Lummis and Tom Sansonetti.

No surprises either one.

So, who in addition to Bill Winney has presented themselves to all of the Wyoming voters in the recent past will seek this office now that Rep. Cubin has abdicated?

Others who did well, or better than expected, in Casper when Barrasso was anointed, include the aforementioned Lummis and Sansonetti as well as Ron Micheli and Matt Mead.

Using the Fab Five cutoff line, those are the five who might feel pleased with the results - even though only six dozen voters really cast ballots in this process.

In fact, when the five were reduced to three, instead of a single vote for each Central Committee member's favorite, they were required to cast **THREE** votes. Thus, if a surviving candidate were the third choice of a bunch of CC members but not the first choice of any, that person may have been among the list of three candidates from which the Governor chose our next Senator. He might have been the one chosen. Hardly a normal voting procedure. Sounds like voting to determine who has access to the rope ladder to the treehouse instead of something as important as who would become Wyoming's next Senator.

Barbara Cubin announcing her intentions this early may result in a stampede. But, if it does, it does. Those who wanted to go to Washington in any post can explain

to voters if the House seat was what they coveted, why they didn't wait to seek it at the next election instead of trying for a "hop" on the Senate express without facing the voters.

There's been one consistent in this drama. Bill Winney. He sought the House seat in 2006 and did surprisingly well against Mrs. Cubin, who was firmly entrenched with PAC and political party money. He did not seek that free pass to D.C. via the Senate beauty pageant process. And he announced his candidacy for Congress seat **BEFORE** he knew Barbara Cubin's intentions for '08.

No other viable candidate did so. Swede Nelson and/or Ken Gilchrist may prove to be serious contenders but they are unknowns at this point. Bill Winney is not. He is a known and proven commodity and over 33,000 Wyoming voters filled in the oval for him last August. Were some of them "Anybody but Cubin" votes? Obviously. Just like some of Fred Parady's votes were "Anybody but Joe (Meyer)" votes. And some of Barbara Cubin's votes were "Not Bill Winney" votes also.

A 40% vote base beats hell out of what almost all other potential or announced candidates have to build on in '08. A campaign to unseat Barbara Cubin had its advantages and certainties. But a campaign is about convincing voters who "you" are, not who "they" are. Flank speed ahead.

## Peech conclusion ...

The "Wall Stop" was effected at about 5:00 am on April 7, 2007 - Saturday morning, the day before Easter. At the time, it was snowing and the roads were slick.

A month later, Colonel Powell spoke with another trooper, criticizing the use of a false REDDI call. A month after that, the Colonel spoke to a group of new recruits and their families at Avanti's and emphasized that the Wyoming Highway Patrol Association and Wyoming Highway Patrol work together, but there will never be a union within the WHP, according to one in attendance.

During this time frame, Ben Peech was active toward the formation of an organization to be aligned with the Fraternal Order of Police. He was vocal about better working relationships, a fairer promotion system, insurance, scheduling, etc. In June and July, there was communication to the entire WHPA membership, from troopers to majors, about the F.O.P.

In late July, three and a half months after the "Wall Stop," Peech was called into a meeting with his Captain at WHP HQ. Peech was presented a transcript of the recording between Peech and dispatch on April 7, 2007. He was told that an investigation into the incident had been initiated at Col. Powell's orders. Peech's supervisor, a Lieutenant, admitted that Ben had called him before the stop and advised him of the situation. He also said

that Ben Peech had called him after the stop, as he had directed, and told him what happened, including the false REDDI report he had called in.

The Capt. asserted that Peech had "lied" to dispatch and asked them to delete something. Peech explained a "Wall" stop to the Captain and the Captain told Ben he had never heard of one. Peech reminded him that he (the Captain) had made at least two such stops himself when he was a Patrolman and Ben was with DCI. The Capt. then remembered what Ben was talking about but said he didn't know they were called "Wall Stops."

The Capt. asked for Peech's help on a personnel matter due to his position as president of the WHPA and Ben agreed.

On August 2, votes were counted from WHPA members about the F.O.P. 106 members voted "For," 40 against and 20 did not vote - considered a "No" vote.

Peech told a Major that there are some people within the WHP who "are more scared of HQ than they are of the dangers they face on the street."

By mid-August, Peech, the VP of WHPA and other members decide to launch their own F.O.P. lodge (apart from WHPA) and offer membership to DCI agents, WHP troopers, and possibly Game and Fish Officers.

On August 30, 2007, Ben Peech was suspended - with pay. A day later, he saw

his patrol car being stripped (plates, cage, guns, gun rack, etc.). In the letter (Administrative Suspension with Pay), he was told the action was "being taken pending completion of an investigation regarding your involvement in an incident that occurred on April 6 and 7, 2007."

In a letter from the Wyoming Attorney General's office to Peech's attorney in Denver, it was again referenced that the suspension is related to "an incident that occurred on April 6 and 7, 2007." Identical language to that in the letter signed by Col. Sam Powell of the Highway Patrol and dated August 30, 2007.

The AG letter also said the suspension "had nothing to do with his acting as the president of the Wyoming Highway Patrolman's Association (WHPA) or any efforts to transform the WHPA into a lodge of the Fraternal Order of Police (F.O.P)."

On October 9, 2007, Powell had hand delivered a **NOTICE OF INTENT TO DISMISS** to Ben Peech's home address. The reasons given were "misconduct, dishonesty, unsatisfactory work performance, violation of Wyoming Highway Patrol Manual, violation of the State of Wyoming Personnel Rules and violation of the State of Wyoming Code of Ethics."

Reviewing a list of Trooper Peech's countless awards and citations, including a March of 2007 Wyoming Highway Patrol Felony Drug Arrest Award, and the June, 2006 Interdiction Officer of the year for 2005 from the Rocky Mountain Drug

Enforcement Administration Division and a number of DWUI Arrest Awards. He has testified in Municipal, Circuit, and District Courts in Wyoming, Nebraska, California and Colorado and in U.S. District Court in Wyoming, Colorado, Maryland, Nebraska, Arizona, Wisconsin, California and Utah -- and is certified as an expert in the U.S. District Court for the District of Wyoming in Criminal Interdiction and Drug Concealment Methods. These accusations against Trooper Ben Peech by the WHP are about more than the incident on I-80 that resulted in the confiscation of \$3.3 million cash that may be divided among several Wyoming agencies.

The WHP hierarchy knows that subterfuge is a common practice in the apprehension and conviction of criminals. Interrogators are allowed, perhaps encouraged, to lie to gain confessions. (See *Wyatt Johnson's confession*.) As Ben Peech told me, when a DCI agent tells a sexual predator over the internet that he is an 8 year-old girl when he is trying to arrange a meeting to arrest the creep for illegal thoughts, he is lying to beat hell. When interviewers move from room to room and tell each suspect that the other ratted them out and they had better cooperate or they'll spend the rest of their lives in prison, that is often a lie - or several lies. Whatever it takes. But not under oath. That's what Ben was trying to avoid - the dispatch log could come back to bite them and he tried to prevent that.

There is an appearance of jealousy or envy toward this WHP trooper who is nationally known for his work and sought out as a panelist, trainer and speaker - from the University of Wyoming to the coasts. The real REDDI report would have fallen on deaf ears if Ben Peech hadn't been out on this DEA-requested interdiction stop so to complain that he didn't apprehend a possible drunk driver is a smoke screen. He did respond to it and a SO deputy confirmed that. No one would have known about the false REDDI report if WHP higher-ups hadn't used it as a bogus reason to suspend, then terminate Ben Peech. He was terminated for his work in organizing the WHP. Nothing more, nothing less. That is my opinion.