



Sunday, February 06, 2005



STATE JUDICIARY

Exhibit No. 5

Date 03/15/05

Bill No. _____

HeadwatersNews
the rockies today



-- for March 11, 2005 --

Stop the slander; ban the open container - Sunday, Jan. 30, 2005

Hazardous waste shipments to Utah quadrupled since 2001

-- Salt Lake Tribune

SUMMARY: Logic aside, open-container rules have become a liability for Montana.

Our highways aren't going to be much safer when the Legislature bans open containers of alcohol from motor vehicles, tiresome issue to rest may help counteract the defamatory parodies portraying Montanans as beer-swilling Bubbas who much less drive, straight.

Nevada tribe sues to stop Yucca Mountain n-waste site

-- Indian Country Today

Pass the bill, legislators. Sign it into law, governor. There's just no winning for losing in the argument that our state can manage without the same cookie-cutter, feel-good approach to complex social problems employed elsewhere.

Utah launches first school-voucher program

-- Salt Lake Tribune

Montana does, of course, have a statewide law banning driving under the influence of alcohol, and the penalties are severe who get caught.

Arizona lawmakers OK tuition vouchers

-- Arizona Daily Sun

But, save for Mississippi, Montana is the only state where it's still legal for anyone inside the vehicle to imbibe an alcohol

New Mexico power plant first to limit mercury

-- Farmington Daily Times

This bit of apparent permissiveness harkens to an era of personal responsibility that seems all but past. Such notions as could nurse a beer while puttering up a gravel road between fishing holes or a passenger could toss back a drink while without effectively legitimizing drunken driving have become incomprehensible in a country grown dependent on the go say what we should and shouldn't do.

Phoenix companies pledge to cut emissions

-- Arizona Republic

It's perverse logic to believe that people inclined to break the more serious law against DUI will somehow behave more once there's a lesser penalty for having an open container of alcohol in the vehicle. Common sense suggests that the people likely to abide by the open-container ban are the same people who already obey the DUI law, among the rest.

Colorado tops region in active oil, gas wells

-- Grand Junction Sentinel

This issue closely parallels the late-1990s uproar over Montana's lack of a posted daytime speed limit. As you recall, Montana drivers to travel at "reasonable and prudent speeds," rather than follow set, posted limits. It seemed crazy to outsiders newcomers. The "reasonable and prudent" standard was based on that quaint idea of personal responsibility - which so these days misread as "irresponsibility." The lack of conventional posted speed limits on highways was less a safety issue; highways are no safer today with posted speed limits - than an image problem. It's not so easy to present a state as a live and do business when late-night comedians portray it as a lawless land of lead-footed rubes.

And that's exactly where we are with the open-container issue. Talk of personal responsibility, freedom and limiting the laws to things that actually will do something good is esoteric nonsense to those who believe everything that's good and nothing is good unless it is a law. Alas, we're talking about the majority view now. Montanans who stand on principle container issue are a marginalized minority.

So give it up. Pass the open-container ban. It may not do much good in terms of reducing drunken driving, but if it will slander of our fine state and silence, at least for a while, the compliant wards of the nanny-state, it will do enough good

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