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Top Story

In recent years, 10 states have cracked down on the sale of ultra-violent video games to young people. But game manufacturers and retailers say such laws violate their right to free speech. So far, the courts have agreed.

SNCJ Spotlight

States scoring few points in battle against violent video games

Grand Theft Auto: San Andreas is one of the most popular video games in America, with more than 7 million total units sold. In it, players are immersed in a realistic, three-dimensional virtual world in which they can steal cars, run down pedestrians and shoot, decapitate and set fire to police officers. The game's content rating indicates it is not intended for sale to minors, much like an "R" rating for movies. But some state lawmakers say the existing video game rating system is insuffi-

cient to keep titles like “Grand Theft” out of the hands of young players and they want to impose restrictions that carry the force of law. But the video game industry is fighting those efforts — and winning.

In 2003, WASHINGTON became the first state to regulate the sale of video games, when then-Gov. Gary Locke (D) signed legislation banning the sale of any computer or video game portraying violence against a law enforcement official to anyone under the age of 17. Last year, CALIFORNIA, ILLINOIS and MICHIGAN passed bans of their own, generally broader in scope than WASHINGTON’s. The CALIFORNIA law, for example, also restricted the sale of any game in which players were given the option of “killing, maiming, dismembering or sexually assaulting an image of a human being.” The ILLINOIS ban, likewise, applied to games depicting “human-on-human violence.”

Those legislative actions followed shocking incidents of teen violence across the country linked to video-game play. In June of 2003, for instance, an avid young “Grand Theft Auto” player in Fayette, ALABAMA acted out a scenario from the game, allegedly stealing a car and then, while being booked into the local police station, grabbing the arresting officer’s gun, shooting him, another officer and a 911 dispatcher in the head and taking off in a police cruiser. The episode echoed incidents in Oakland, CALIFORNIA, where “Grand Theft Auto” reportedly inspired the robbery and murder of six people by a street gang, and Newport, TENNESSEE, where two teenagers who’d shot at passing cars with a rifle, killing one person, confessed to police they’d gotten the idea from the game. The most notorious event, however, occurred in 1999 in Littleton, COLORADO, where two troubled teens with a fascination for the first-person “shooter” game “Doom” killed 12 of their fellow students, a teacher and then themselves at Columbine High School.

The laws were also preceded by reports that enforcement of the video game rating system — developed by the industry itself, and ranging from “EC,” or “Early Childhood,” for children three and older, to “AO,” or “Adults Only,” for

The Week in Session

States in Regular Session:
MI, MA, NJ, US

States in Skeleton Session: OH

States in Special Session: AK "c"

States in Recess: CA, DC, NY, PA

Special Sessions in Recess:
CA "a", CA "b", PA "a", VA "a"

States Projected to Adjourn: NC

States Adjourned in 2006: AK, AL, AZ, CT, CO, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MN, MO, MS, NE, NH, NM, OK, RI, SC, SD, TN, UT, VA, VT, WA, WI, WV, WY

States in Special Session
Adjourned in 2006: AK "b", AR "a", AZ "a", CO "a", IA "a", KY "a", LA "a", MD "a", OK "a", OK "b", OR "a", OK "b", TN "a", TX "c", UT "a", WV "a", WI "b", WI "c"

Letters indicate special/extraordinary sessions

Source: State Net, 07/28/06

individuals 18 and up — was less than rigorous. One report, a 2000 Federal Trade Commission study, indicated that minors were able to purchase games designated with “M,” or “Mature,” ratings, intended for players 17 and older, 85 percent of the time at national retail-chain stores. (Enforcement by retailers has improved considerably since then, but the FTC’s 2006 report found that underage shoppers were still able to buy “M”-rated games 35 percent of the time.)

Shortly after being enacted, however, all four laws were challenged in court by the video game industry. All four statutes were deemed to have violated the First Amendment. One of the clearest expressions of that view came in the injunction issued by U.S. District Judge Matthew Kennelly last year blocking ILLINOIS’ videogame law. “Video games are generally designed to entertain players and viewers, but they can also inform and advocate viewpoints,” Kennelly stated. “They are therefore considered protected expression under the First Amendment.”

The courts also disputed the states’ claim that violent video games cause violent behavior. For example, in a ruling last year that granted a temporary injunction against CALIFORNIA’s statute, U.S. District Judge Ronald Whyte wrote, “The plaintiffs have shown at least that serious questions are raised concerning the states’ ability to restrict minors’ First Amendment rights in connection with exposure to violent video games, including the question of whether there is a causal connection between access to such games and psychological or other harm to children.”

Bird’s eye view



States battle violent video games

States and the videogame industry are locked in a fierce battle over violent content in some of today’s most popular video games (See *SNCJ Spotlight* in this issue). In recent



years, 10 states have passed laws banning the sale of such “mature” or “adults only” games to anyone under legal age, and imposing fines on retailers who ignore those restrictions. Several more states and Congress are mulling similar legislation. But citing free speech issues, the game industry has launched a legal counteroffensive worthy of inclusion in some of its most controversial offerings, convincing courts to strike down or block laws in CALIFORNIA, MICHIGAN, ILLINOIS, WASHINGTON and UTAH. Other legal challenges are currently pending in MINNESOTA, OKLAHOMA and LOUISIANA. The accompanying map shows states that have passed violent videogame restrictions.

Budget & taxes

STATES DODGE BUSINESS TAX BULLET: The U.S. House last week abruptly canceled a scheduled debate on a bill that would have exempted businesses from state business-and-occupation taxes in any state where they did not employ at least one state resident for 21 days, or lease or purchase property.

Major U.S. businesses had been pushing for the federal action, contending that it was necessary to bring fairness and uniformity to a state tax system that sometimes subjects out-of-state companies to taxes even when their employees or goods are in a state for only a few days. In a letter to House lawmakers, John Castellani, president of the Business Roundtable, an association of more than 160 of the nation's leading corporations, stated that, by establishing a more stable business environment, the measure would "create new jobs, increase business investment and foster economic growth."

The action would not have been particularly helpful for states, however. The Congressional Budget Office had estimated that the change would cost state and local governments \$1 billion in tax revenue immediately, and \$3 billion a year over the next decade, as companies reorganized to take full advantage of the new rule. The CBO had also indicated that while all states would be out some money, 10 states — CALIFORNIA, FLORIDA, ILLINOIS, MICHIGAN, NEW JERSEY, NEW YORK, PENNSYLVANIA, TENNESSEE, TEXAS and WASHINGTON — would bear the brunt of the losses.

But Republican leaders pulled it hours before a scheduled vote on the bill, evidently convinced by a bipartisan group of House members that the measure would hurt a lot of states, including Speaker Dennis Hastert's home state of FLORIDA. "It has been pulled and we don't expect it back up in September," said a spokeswoman for U.S. Rep. Dave Reichert (R-WASHINGTON), who participated in the bipartisan effort. (ASSOCIATED PRESS, ST. PETERSBURG TIMES, SEATTLE TIMES)

CALIFORNIANS TO WEIGH MAJOR CIGARETTE TAX HIKE: CALIFORNIA's cigarette tax may soon be the highest in the nation, if voters approve a ballot measure in November (Proposition 86) increasing the levy 300 percent, from 87 cents a pack to \$3.47. (Currently, RHODE ISLAND has the highest tax, at \$2.46 per pack.) Supporters of the measure say it would help a worthy cause: reducing smoking. "That's been proved in every state that's raised tobacco taxes," says Paul Knepprath, a lobbyist for the American Lung Association of CALIFORNIA. "It



BUDGETS IN BRIEF: The state of **MISSISSIPPI** filed a lawsuit last Monday against Eli Lilly and Co., alleging that the pharmaceutical giant participated in a scheme to defraud the state. The suit claims that Eli Lilly representatives persuaded Magnolia State doctors to prescribe the anti-psychotic drug Zyprexa for uses it was not approved for, and which, consequently, are not eligible for Medicaid reimbursement (CLARION-LEDGER [JACKSON]). • **IDAHO** Gov. Jim Risch (R) has called a special session on property taxes for Aug. 25. The one-day session will focus on the governor’s proposal to reduce property taxes through an increase in the state sales tax by a penny on the dollar (TIMES-NEWS [TWIN FALLS]). • **ILLINOIS** was deemed the state with the “worst fiscal health in the nation” by a local newspaper, the Rockford Register Star. The dubious title was awarded on the basis of an analysis of 2005 budget data, which found, among other things, that **ILLINOIS** was one of only three states to finish the year with a deficit, with the Prairie State’s shortfall, at \$3 billion, being the largest of the three (ROCKFORD REGISTER STAR). • **ALABAMA**’s unfunded liability for public employee retirees’ health care could reach \$19.9 billion in coming decades, according to a report by actuarial firm Cavanaugh Macdonald Consulting. The state currently provides health coverage for about 250,000 active and retired employees (BIRMINGHAM NEWS). • For the fourth year in a row, lottery sales in **WEST VIRGINIA** have topped \$1 billion. And driven by sales from video lottery machines, this fiscal year’s total of \$1.5 billion broke the record of \$1.39 set in 2005 (ASSOCIATED PRESS, HERALD-DISPATCH [HUNTINGTON]). • With the start of its school year last week, **HAWAII** became the first state to apply a weighted student funding formula statewide. Under the Aloha State’s WSF program, per-student funding is based on each student’s individual needs, funding follows each child to whatever school they attend, and school principals control the budget (STATELINE.ORG).

— *Compiled by KOREY CLARK*

Politics & Leadership

PRODUCTIVE YEAR FOR STATE LEGISLATURES: Most of the 44 states that held regular legislative sessions in 2006 have completed their work for the year. (CALIFORNIA is scheduled to adjourn on August 31, NORTH CAROLINA finished last Friday and eight other states basically work year-round.) And they have quite a bit to show for their efforts.



The expanding U.S. economy allowed states to loosen their fiscal belts a few notches after having cinched them up tight in the lean early years of this decade. NEW YORK splurged on a \$1 billion incentive package to lure a computer chip manufacturing plant to the northeastern part of the state. NEW MEXICO plunked down \$100 million on a commercial spaceport project that could one day send tourists into space. ILLINOIS allocated funding for the nation's first statewide pre-school program for both 3- and 4-year-olds. And TENNESSEE approved the "Cover Tennessee" plan, which restored basic health coverage to thousands of residents who had been cut off when TennCare was downsized last year.

States also took the initiative on issues that have stymied Congress. In the area of health care, for example, MASSACHUSETTS approved groundbreaking legislation requiring every resident to be insured. And MARYLAND, over Gov. Robert Ehrlich's (R) veto, passed a first-in-the-nation measure requiring major retailers to spend a certain amount on health benefits for employees, the so-called Wal-Mart bill. (A federal judge struck down the statute on July 19, ruling that it violated federal law.)

While Congress failed to raise the nearly decade-old federal minimum wage rate this year, which stands at \$5.15, six states — ARKANSAS, MARYLAND, MICHIGAN, NORTH CAROLINA, PENNSYLVANIA and WEST VIRGINIA — elected to raise their rate above that level, joining 17 other states that have already done so.

Immigration, an insurmountable issue for federal lawmakers, proved somewhat less of an obstacle for states. Nearly 60 immigration-related laws were enacted in 27 states, according to a July report by the National Conference of State Legislatures. The laws included both crackdowns on illegal immigrants, such as COLORADO and GEORGIA's bans on non-emergency state services for undocumented adult residents, and immigrant-friendly measures, like NEBRASKA's law seeking to help students of illegal immigrants qualify for in-state tuition.

The states were also active on hot-button social issues. While, IDAHO, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, VIRGINIA and WISCONSIN approved measures seeking voter approval in November to ban same-sex marriage, COLORADO went the other way, placing a measure on the fall ballot asking if same-sex couples should be granted most of the rights of marriage. The most notable action, however, was undoubtedly SOUTH DAKOTA's adoption of the nation's toughest abortion ban in an effort to challenge *Roe v. Wade*.

Property tax relief was another big issue for states this year, with NEW YORK, PENNSYLVANIA, RHODE ISLAND and SOUTH CAROLINA among those granting their homeowners breaks. The issue also played a major role in the budget impasse that shut down NEW JERSEY's government the first week of July.



Among the year's other noteworthy achievements were INDIANA's lease of its 157-mile INDIANA Toll Road to a private consortium for \$3.8 billion, the creation of a unique pet identification system in LOUISIANA to help owners locate their pets after events like Hurricane Katrina and the coal mine safety law passed in WEST VIRGINIA in the aftermath of the Sago Mine disaster, which served as the model for federal legislation signed by President Bush in June. (STATE-LINE.ORG)

POLITICS IN BRIEF: Last week, MARYLAND's highest court, the Court of Appeals, upheld a lower court's ruling disqualifying a referendum on the state's early voting law from the November ballot because the measure's GOP-affiliated backers failed to submit enough valid signatures by the mandated deadline (BALTIMORE SUN). • Political groups have spent over \$5 million seeking to qualify measures for OREGON's November ballot, with much of that money coming from groups based outside the state. In fact, most of the funding for the two costliest measures — aimed at capping state spending and reinstating term limits — came from groups headquartered in ILLINOIS (OREGON STATESMAN JOURNAL [SALEM]). • Thanks to a Supreme Court ruling in MINNESOTA two weeks ago, there may be a little more mudslinging in Gopher State political races this year. The high court upheld a lower court's ruling striking down the state's longstanding law requiring political ads and mailings to identify who paid for them on free speech grounds (ASSOCIATED PRESS, BRAINERD DISPATCH). • Democracia U.S.A., the nonpartisan Hispanic organization that managed to register 72,000 Latino voters in FLORIDA in 2004, has launched registration drives in three more states: ARIZONA, NEW JERSEY and PENNSYLVANIA (PHILADELPHIA INQUIRER). • Former ARIZONA Rep. David Burnell (R) Smith, the first state lawmaker ever to be removed from office for violating public campaign finance laws, will vie against three other Republican candidates for one of two available District 7 House seats in the state's Sept. 12 primary. And, according to Phoenix-based political strategist and pollster Bob Grossfeld, "Smith has an excellent chance of being re-elected." (ARIZONA REPUBLIC [PHOENIX]).

— *Compiled by KOREY CLARK*

Upcoming Elections

(07/27/06 - 08/17/06)

08/01/2006
Kansas Primary Election
House (All)
Constitutional Officers:
Governor, Lieutenant Governor, Treasurer

08/03/2006
Tennessee Primary Election
House (All)
Senate (Odd)
Constitutional Officers:
Governor
US House (All)
US Senate (Frist)

08/08/2006
Colorado Primary Election
House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General
US House (All)

08/08/2006
Connecticut Primary Election
House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General, Comptroller
US House (All)
US Senate (Lieberman)

08/08/2006
Michigan Primary Election
House (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Attorney General
US House (All)
US Senate (Keith Butler)

08/08/2006
Michigan special primary
House 056, 029

08/08/2006
Missouri General Election
US House (All)

08/08/2006
Missouri Primary Election
House (All)
Senate (All)
Constitutional Officers:
State Auditor
US Senate (Talent)

08/15/2006
Nevada Primary Election
Assembly (All)
Senate (All)
Constitutional Officers:
Governor, Lieutenant Governor,
Secretary of State,
Treasurer, Attorney General,
State Controller
US House (All)
US Senate (Ensign)

08/16/2006
Kansas Primary Election
US House (All)

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Governors

BLANCO SUES FEDS OVER OIL DRILLING: LOUISIANA Gov. Kathleen Blanco (D) has followed through on her longstanding threat to sue the federal government in an attempt to block the August sale of federal leases for oil and gas exploration off the Pelican State coast. The suit seeks to stop the federal Mineral Management Service (MMS) from holding a scheduled August 16th lease sale of 4,000 exploration blocks in the western Gulf of Mexico, and accuses the agency of disregarding the environmental damage caused by the drilling.

Blanco has for months been lobbying Congress and the Bush administration for her state to receive a bigger cut of the royalties from oil and gas production in the Gulf. The state gets 27 percent of the federal government's share of the royalties for oil and natural gas produced between three miles and six miles off the Louisiana shore, which averages about \$30 million a year. But beyond six miles, the state collects nothing, a policy that cost the state \$5 billion in potential royalties last year. Those funds instead went into the U.S. Treasury.

The suit, however, does not ask for more money. Instead, it seeks to force MMS to conduct further environmental analysis on the impact more oil and gas drilling will have on the LOUISIANA coastline. But Blanco spokesperson Sidney Coffee also made it clear that royalties are still the governor's main goal, noting that "the governor is playing the piece of the puzzle that she can." Observers say that a prolonged delay could prod federal lawmakers to cut LOUISIANA in on the revenue earned from the outlying wells.

Earlier this year, the U.S. House passed an offshore drilling revenue-sharing plan sponsored by LOUISIANA Rep. Bobby Jindal (R) that would earn the state \$9 billion over 10 years. That total would eventually grow to \$2 billion a year. That bill is now in the Senate.

In a prepared statement, the MMS said it would "be respectful of the court process." (ADVOCATE [BATON ROUGE, TIMES-PICAYUNE [NEW ORLEANS])

ROMNEY FORCES OUT BIG DIG CHIEF: Gov. Mitt Romney (R) won a high profile battle of wills with MASSACHUSETTS Turnpike Authority Chairman Matthew J. Amorello last week, forcing the beleaguered Amorello to step down only hours before Romney was to hold a hearing seeking his ouster. Romney had sought Amorello's resignation since a motorist died in the partial collapse of a Big Dig tunnel two weeks ago. Amorello repeatedly refused Romney's request, but had

home leftover wine as long as it is wrapped in a tamperproof bag. Lawmakers hope the law will prevent diners from feeling they need to finish off the bottle before driving home (CHICAGO TRIBUNE).

CRIME & PUNISHMENT: A federal judge rules that **MISSOURI's** new lethal injection procedure is not adequate to ensure that condemned inmates do not suffer unnecessary pain. The Show Me State had changed its protocol under order from the court after it ruled the existing procedure created an unnecessary risk that an inmate could be subjected to “unconstitutional pain and suffering” (LOS ANGELES TIMES). • The **NORTH CAROLINA** House endorses a bill that would create a state panel to investigate felons’ claims of innocence. If the measure eventually becomes law, the Tar Heel State would become the first in the nation with such a panel. It moves to the Senate (NEWS & OBSERVER [RALEIGH]). • Still in **NORTH CAROLINA**, the House also approves a measure that will allow law enforcement officers to photograph drivers who are unable to produce identification. In theory, the proposal would allow victims of identify theft to prove they were not the person driving when the infraction occurred. The bill moves to the Senate (NEWS & OBSERVER [RALEIGH]).

EDUCATION: **ILLINOIS** Gov. Rod Blagojevich (D) signs legislation that makes the Prairie State the first in the nation to make all of its 3- and 4-year-old children eligible for state-subsidized preschool. State lawmakers, however, have produced limited funding for the program, so immediate priority will be given to children from low-income families (STATE JOURNAL-REGISTER [SPRINGFIELD]).

ENVIRONMENT: Federal wildlife authorities reject a proposal to allow **WYOMING** to manage the state’s wolf population. The plan would have removed the gray wolf from federal protection under the Endangered Species Act, instead listing wolf packs outside the state’s northwestern corner as a predator species. Predators in **WYOMING** can be killed on sight. Gov. Dave Freudenthal (D) said the state will fight the decision in federal court (CASPER STAR TRIBUNE). • The **NORTH CAROLINA** House approves a one-year moratorium on building new mega-landfills in the Tar Heel State. The bill also would create a commission to study the issue. The measure is now dumped back into the Senate, which previously approved an 18-month moratorium (CHARLOTTE OBSERVER). • State officials in **WISCONSIN, ILLINOIS, MINNESOTA, MICHIGAN** and **IOWA** agree to a joint policy that will ban home desktop computers, laptops, monitors and televisions from going into landfills. The agreement

would also eventually require businesses to develop their own recycling programs. Lawmakers in each state must approve the new policy (MILWAUKEE JOURNAL SENTINEL).

HEALTH & SCIENCE: A federal court tosses a **MARYLAND** law that requires companies with more than 10,000 workers to spend at least 8 percent of their payroll on employee health care or make up the difference in an equivalent payment to the state. The court ruled that the so-called “Wal-Mart” bill violated a federal law that promotes uniform treatment of employers (BALTIMORE SUN). • The **WASHINGTON** state Board of Pharmacy delays adopting new rules that would allow Evergreen State pharmacists to refuse to fill prescriptions for personally held religious or moral reasons. Gov. Christine Gregoire (D) and other women’s advocates have criticized the proposed changes, saying they will hinder access to emergency contraception (SEATTLE TIMES). • **ARKANSAS** health officials approve rules to be used to enforce the Razorback State’s new workplace smoking ban. That ban prohibits smoking in most public places, including restaurants (ARKANSAS NEWS BUREAU [LITTLE ROCK]).

HOMELAND SECURITY: State homeland security officials in **INDIANA** warn a Hoosier State county to stop using electronic emergency message boards to advertise fish fries, spaghetti dinners and other events or face losing federal homeland security funding. Vermillion County reluctantly agreed to stop using the signs (ASSOCIATED PRESS).

SOCIAL POLICY: A federal appeals court reinstates a **NEBRASKA** law that defines marriage as only being between one man and one woman. The law, which also bars civil unions and domestic partnerships, was adopted by public vote in 2000. A lower court tossed out the statute in 2005 (LINCOLN JOURNAL STAR). • After almost a year of deliberation, the **WASHINGTON** Supreme Court upholds the Evergreen State law that defines marriage as a union between a man

In the Hopper

State Net’s database tracks tens of thousands of bills in all 50 states at any given time. Here’s a snapshot of what’s in the legislative works:

Number of 2006 prefiles last week: 191

Number of 2006 Intros last week: 360

Number of bills enacted/adopted last week: 439

Number of 2006 prefiles to date: 21,260

Number of 2006 Intros to date: 97,051

Number of enacted/adopted overall in 2006: 29,173

— Compiled By JAMES ROSS
(Measures current as of 07/27/06
Source: State Net)

and a woman. The high court rejected an argument from 19 same-sex couples that they were being denied a fundamental right to marry, thus harming their children and their financial security. The justices also said the question of whether to legally sanction same-sex marriage was best answered by lawmakers rather than the court (SEATTLE POST-INTELLIGENCER, WASHINGTON POST). • The MICHIGAN House approves legislation that would require family planning clinics to screen women seeking an abortion to determine if they have been coerced or intimidated into ending their pregnancies. It moves to the Senate (LANSING STATE JOURNAL).

POTPOURRI: A NORTH CAROLINA court rules that a 201-year-old law barring unmarried couples from living together is unconstitutional. According to the U.S. Census, there are approximately 148,000 unmarried people currently living together in the Tar Heel State (CHARLOTTE OBSERVER).

— *Compiled by RICH EHISEN*

Once around the statehouse lightly

THE LONG VIEW: Assemblyman Rudy Bermudez, who narrowly lost a CALIFORNIA Democratic primary for state Senate last month, has formed a fund-raising committee to help him regain his seat in the Legislature — in 2012. Bermudez had to forego his final two-year term in the Assembly to run for the Senate but wants everyone to know that, like Douglas MacArthur, “he shall return.” Why wait six years? Because, reports *State Net Capitol Journal*, another Democrat will occupy his seat after November, and that person will serve six years under the state’s term-limit law. Meanwhile, before Rudy can run again, CALIFORNIA will hold two gubernatorial and two presidential elections.

THE UNCONVENTIONAL VIEW: The candidate in question is running for the conventional job of governor of NEVADA, but her attire at a recent fund raiser was anything but conventional — especially for a Republican. As the *Las Vegas Review-Journal* reports, Melody Damayo was dudded with silver jewelry, six-inch black heels, a bandana to hold back her waist-length hair and a men’s shirt unbuttoned to reveal some of her more prominent assets. The paper also reports it was one

of Damayo's more conservative outfits — as befitting a candidate whose former job was as an actress is such films as “Deep Throat 6” and “Oriental Lust.” Among events at her fundraiser was a karaoke songfest and lap dancing with the candidate. The 33-year-old Damayo is making her first run for office. She is not expected to win.

THE TWO-YEAR-OLD'S VIEW: In attempting to escape punishment for a variety of misdemeanors and felonies, Gov. Ernie Fletcher is using an argument popular among two-year-olds. Through his attorneys, Fletcher has asked a KENTUCKY court to dismiss corruption charges because, as a Republican, he shouldn't be prosecuted for crimes that previous Democratic governors got away with during their tenures. Fletcher, reports the Associated Press, is charged with conspiracy, official misconduct and discrimination, and to prosecute him would, Fletcher insists, violate an honored tradition in American jurisprudence — “that a person cannot be singled out for prosecution under a law that, over many years, has not been enforced.” Of course, if the court sides with Fletcher, no one would ever be prosecuted, and the law itself — regardless of merit — would essentially be taken off the books. A decision is due in August.

THE TOOTHY VIEW has become all-too-common for some residents of SOUTH CAROLINA, so the state is now offering signs that tell folks how to deal with the nearly 100,000 alligators that live in the Gamecock State. The distinctive green signs are chocked full of useful information, such as how fast a 'gator can lunge and that a splash in the water signals “food.” The *Post and Courier* of Charleston reports that the signs will be easy to spot and are offered free of charge to anyone who wants one. The signs were ordered after yet another incident — a man had to hop on an alligator's back to free a 65-pound dog being carried off by the reptile, who then chased both man and dog as they made their escape.

A DOG'S VIEW: Some dogs are trained to sniff out drugs. But now the *Seattle Times* reports that environmentalists all over the country are using that same canine faculty to help locate endangered plants and animals. In OREGON, dogs are being used to find the Western pond turtle. In NEVADA, they sniff around for desert tortoise. Along the East Coast, dogs ride in the prow of research vessels, sniffing the wind for the scent of whale feces. Not a bad business for dog owners, either. A well-trained nose can fetch \$1,500 a month.

THE MYOPIC VIEW: The U.S. Capitol Historical Society holds a reception at the end of each congressional session to honor those members retiring from the House and Senate. Apparently, the society doesn't discriminate based on how or

