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CALENDAR

- ▼ The next FFBC meeting is 7:00 A.M., Friday, April 7 @ Hoyt Sherman Place.
The speaker will be Des Moines Police Chief Bill McCarthy.
- ▼ R.S.V.P. by Tuesday, April 4 to Jonathan.Wilson@lawiowa.com or 288-2500 by phone.

Time for No Fault System for Traffic Accidents

by Jonathan Wilson

On Gay Pride Day in 2001 my dad was caught driving north on the east-west interstate near Des Moines. He was caught by a fully loaded semi truck traveling east at 65 miles per hour and he died instantly. He joined over 37,862 others who died in traffic accidents that same year. In fact, the traffic fatalities in the United States, like clockwork, have been within 1000 of that number every year from at least 1994 through 2004. The fatalities continue apace and predictably year in and year out. Include those injured but not killed and the number of us directly victimized by traffic accidents *every year* in the United States goes to an astronomical number. Every year.



JONATHAN WILSON

Each of us shares the known, quantifiable risk that we will be one of the victims, if not this year, then the next, or the next. Our risk of victimization is only partially influenced by the care we exercise when driving. Regardless of how careful we are, we can still be involved in a traffic accident, fatal or otherwise, through the fault of others or due to conditions of roadway or weather that are no one's fault.

We have relied too long upon an antiquated tort system for assigning fault, accident-by-accident; have required drivers to carry a nominal amount of liability insurance (basically \$40,000), and have relied on an expensive, cumbersome, and time-consuming judicial process to sort it all out and decide who pays what to whom. Those with limited assets have little or no incentive to carry more coverage than the minimum. The minimum coverage bears no necessary relationship to the magnitude of injury that may be suffered. We should shudder to think of the number of folks out there who simply ignore even the modest insurance requirement. The Insurance Research Council reports that about 14 of every 100 accidents will be the fault of an uninsured motorist.

If, after an accident, fault cannot be established or limited resources are available through insurance or otherwise, the direct and indirect victims must simply bear the burden of the shortfall. Frequently, victims must rely upon contingent fee arrangements to engage an attorney to pursue whatever insurance or other resources may be available. Whatever damages are then proven and recovered will be reduced by a third or more before ever getting to the victims.

The tort system for dealing with the shared risk we all have of being injured in a traffic accident is broken. It needs to be fixed.

A fix is readily available and proven effective. We already have in place a workers' compensation system that recognizes the risk of workplace injuries shared by all who are employed. It works for workers, all of them. It doesn't rely on fault. It compensates injured people according to the magnitude of their injury, not based on who caused the injury, and not based on the resources or insurance of a party at fault. It's efficient. It's prompt. It's fairer than our tort system.

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Similar systems are also in place and effective for workplace injuries as well as traffic injuries in other developed countries.

We need to move to a no-fault, national insurance program for traffic injuries and deaths to compensate the immediate victims, their loved ones, and dependents. It's past time. In my dad's case, his estate had to be reopened so the truck driver who killed him could sue for the trauma caused to the truck driver by the accident. The suit was defended by the insurance company and ultimately settled at considerable expense to the insurance company. The settlement was complicated, and delayed, because the truck driver also had received worker compensation payments that he wanted to keep in addition to the tort recovery against the estate's insurance company.

The smart learn from their own experiences; the wise learn from the experiences of others. In this matter we need not be wise by learning from the experience of other countries. We can settle for being smart and learn from our own experience with the workers' compensation system. The tort system for dealing with traffic accidents is an anachronism.

—Jonathan Wilson

People

by Jay Cole Simser



Most people sing just one song
give just one speech,
have just one conversation –
usually with themselves.

Most people dance
just one dance,
walk just one walk
Go to just one place – many times.

Most Rock Stars give the same concert
over and over.

Most comedians tell the same joke –
although sometimes with different punch lines.

Most Authors who write just one book
can do it many times.



(Continued on page 3)



February's guest speaker was Tom Kane, executive director since 1991 of the Des Moines Area Metropolitan Planning Organization (MPO). A native of Oelwein, Kane returned to Iowa after serving ten years as the MPO director in Tulsa, Oklahoma, and he treated us to an ultra-high-speed overview of his organization's projects, plans, and goals.

The Des Moines Area MPO is focused on establishing a comprehensive, coordinated, and continuing transportation planning process for central Iowa, providing a regional forum to assure that transportation planning issues and implementation of projects are identified and coordinated by local, state, and federal agencies, and the general public. The Des Moines Area MPO is responsible for both long and short-range roadway and transportation plans, selects and approves projects for federal funding based on regional priorities, and develops ways to reduce traffic congestion.

The MPO's "region" officially includes representatives from 14 cities and three counties, as well as the Des Moines Metropolitan Transit Authority, the Iowa Department of Transportation, Des Moines International Airport, the Federal Highway Administration, and the Federal Transit Administration. But Kane's own thinking includes nine central-Iowa counties. "Marshalltown," he remarked, "is a suburb of Des Moines" in the most forward-looking analysis. He also cited recent population growth of 25% in the Ankeny-Bondurant area.

Highlights of Kane's presentation were his urgent hope for the development of software adequate to handle all the variables of predicting population growth patterns; his insistence that successful transportation planning is rooted in control of land-use; and his large-scale definition of "region." True "regional" planning, he noted as an example, would regard East University Avenue (Hwy. 163) as a corridor not just to southeast Iowa but as far as markets in the southeast US—the Carolinas and Florida—potentially far more efficient than I-80, I-74 route.

More information on all this, including full text of the MPO's *Year 2030 Long-Range Transportation Plan* is available from the MPO Web site at www.dmampo.org.

—Bruce Carr

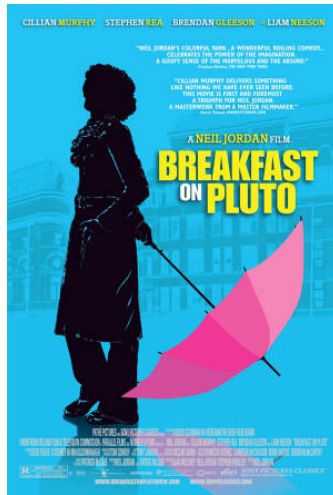
BRIEFS & SHORTS

Be sure to RSVP to Jonathan.Wilson@lawiowa.com no later than April 4 for the April 7 meeting. He can also be reached by phone at 288-2500. The speaker will be Des Moines Police Chief Bill McCarthy. This will be his second appearance as a guest speaker. Also, "thanks" to Jonathan for introducing the March speaker, Tom Kane, of the Metropolitan Planning Organization.

If you would like to submit an article for publication in the FFBC newsletter, please send it to Jonathan at the above e-mail address or to Steve Person at oqperson@xrlink.com.

BREAKFAST ON PLUTO

Starring Cillian Murphy,
Liam Neeson,
Stephen Rea,
Brendan Gleeson,
Laurence Kinlan, Ian Hart
Directed by Neil Jordan
2Hr 9 Min



Breakfast on Pluto shows chapters of the life of Patrick “Kitten” Braden, a Northern Irish lad who unabashedly preferred to cross-dress since early childhood. The director also made the cross-dressing IRA movie, **The Crying Game**, with the close-up that shocked the movie-going public. Who knew that cross-dressing and the IRA were so synonymous?

“Kitten,” as he prefers to be called, is played by Cillian Murphy. Murphy is perhaps best known for his role as Dr. Jonathan Crane (a.k.a. Scarecrow) in **Batman Returns**. Here he plays someone who is confident of his/her persona and does not care if others notice. In this regard, the character reminded me of Hedwig from the film, **Hedwig and the Angry Inch**. Patrick, when just a newborn, was left in a basket at the doorsteps of a priest. Patrick spent a lot of his life imagining what his mother was like and what the circumstances had been that would cause his mother to abandon him. He wrote papers where he imagined his mother had been sexually abused by the priest. The writings contained such graphic descriptions of lust and passion that he was immediately taken to the principal. In fact, it seemed like a good part of Patrick’s school life consisted of being pulled by his ear to the principal. He also heard that his mother looked a lot like Mitzi Gaynor. He spent hours watching Mitzi Gaynor movies, imagining what his mother was like, and he dreamed of finding her one day. “London had swallowed her up,” he had been advised.

Eventually he gave up on school life and his adopted family who often reminded him that he “was taken in.” He set off to find his true mother. He hitched a ride with Billy Hatcher and the Mohawks, an Irish rock group, and immediately fell in love with the lead singer, Billy Hatcher. At one point “Kitten” had a Yoko Ono moment where she, as the girlfriend of the lead singer, joined the band to play the part of a squaw. The one-evening-only performance was too much for the fans and the band, and soon “Kitten” was left by herself and given

a home in a trailer alongside an isolated bay. The trailer also happened to be the hiding place for IRA guns. That was not a good mix and did not work out. “Kitten” soon joined a magic act and continued with other adventures until he became a victim of an IRA bombing in a nightclub. Because “Kitten” was dressed as a girl, he was accused of being the terrorist bomber. His picture was flashed across the nation’s tabloids showing the “Sweet Smile of a Cross-Dressing Killer.”

“Kitten’s” persistence eventually paid off, and he met his mother, but it had emotional reactions that he had not anticipated. It is a touching film at that point, as “Kitten” finally became emotionally attached to a parent.

Breakfast on Pluto is funny, entertaining, and poignant – a terrific combination. The movie has won Special Mention for Excellence in Filmmaking from the National Board of Review, and Cillian Murphy was nominated as Best Actor in a Musical or Comedy at the Golden Globes.

—Gary Kaufman

(Continued from page 2)

Most politicians have just one idea –
usually someone else’s.

If you change your audience no one knows you are boring!

Some people however
Sing several songs,
Dance many dances,
Walk in different worlds.

Some people have endless conversations with many people.

Some people never listen
but others always do.

Some people stand out and stand up.

They are original, diverse, endlessly fascinating shining stars.

—Jay Cole Simser

FFBC

*First Friday
News & Views*

Des Moines, Iowa

APRIL 2006

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From the Editor

“Nettles Among the Poppies”

Twelve statues surround the rotunda in the Iowa State Capitol. They represent history, science, law, fame, literature, industry, peace, commerce, agriculture, victory, truth, and progress, but don't bother asking any of your legislators what those statues stand for. It has been my experience that those who meet there to make our state's laws are incredibly ignorant of the historic building in which they work.

Of those twelve statues, the most important one, to my way of thinking, is truth. Everything else flows from that elusive and important quality. It is also the most difficult trait to pin down. There are certain truths that are indisputable, especially those that are supported by scientific facts and empirical investigation. The murky areas of truth arise from the concept of perception. What appears true to one person may be incredibly false to another. The debate over the Iowa Lottery's TouchPlay machines that can now be found in bars, grocery stores, and quick shops all across the state, illustrates this. Ultimately, the group that creates the loudest squeak will win out. This is, after all, an election year, and it is at those times that truth is the loser to political expediency.

Following the trail of truth regarding the Iowa Capitol and its well-being is a muddy one, indeed. I have, in the past, urged that a commission be set up to oversee the restoration of the building. As far as I know, there is no public input into what is taking place with the People's House. I worked with a member of a legislative staff to get such a commission set up and was told that it would be introduced. Like so many other things at the Capitol, nothing came of it. I was also told that a Capitol Planning Commission already exists. If so, who serves on it? What are the qualifications of its members? What are they doing?

An Internet search yielded neither a web site of such a commission nor the names of those who supposedly are on it. Whoever those members are, I would like to know why none of them have yet begun the process of having the Capitol listed as a National Historic Landmark. Other statehouses in the country are so identified, and they are not any more historic than our building. The truth appears to be that nobody in charge really cares, and that should not be the case.

Millions of dollars have already been spent on the restoration of the Capitol, and now plans call for a Capitol Visitors Center to be placed in what is euphemistically referred to as the “Carriage House” across Grand Avenue, just north of the Capitol. So far no one has been able to prove that carriages were ever housed in the building or that it was built by the State of Iowa in the first place for such a purpose. Truth suffers. I ask once again, “Who's in charge?”

Iowa taxpayers not only should be kept well informed about what is going on at the Capitol Complex but also should have input into the decisions regarding the State's buildings. The legislators do not own the Capitol and surrounding buildings. They merely occupy them while they are there to serve. They should serve better, and the people of Iowa deserve better.

—Steve Person