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"Freedom of the Press belongs to those who own one."

A. J. Liebling of the New Yorker

May 30, 2001



Taking the Point Position...

A *hhhh...Kauai. Sun, sea, warmth, sand...what could possibly be a problem in Paradise? (Except, of course, chickens.)*

How about speed bumps and the Americans With Disabilities Act? Not on the public roads, of course. No car on a public road on Kauai has ever registered 60 MPH and the possibility of one doing so in the future is diminishing because of the huge increase in cars.

No, these speed bumps are on private property - in the famous Princeville area, some 2,000 acres of luxury where there is not a lot of traffic. To slow down the young people trying to say they saw 65 on their speedometer, the Princeville Community Association put in a few speed bumps. These speed bumps are not the torsion-bar wrecking bumps you find in a Safeway parking lot - these are almost unnoticed in a car with real shock absorbers unless you are pulling redline in fifth gear.

So what is the problem? A guy named Smith (that is what I would have called him except it happens to be his real name) who fought and lost the battle on speed bumps. He hates them. He hated them before they were put in, and he hates them now.

No problem, you say. Plenty of people lose political

Commentary



fighters. True, but Mr. Smith is "consulting with a large personal injury law firm in Honolulu" about suing. (I am not making this up!) He is suing because his wife has a medical problem that he claims is being exacerbated by the speed bumps - so he is considering suing under the Americans with Disabilities Act. I kid you not!

Mr. Smith wrote a letter to the editor of The Garden Island. Mr. Smith's letter says in part, "she gets excruciating pain in her right neck, right shoulder and head. She secondarily has severe headaches from this cervical trauma every time I drive through Princeville which lasts several days."

I assume he means that the headaches last several days, and not that his trips last several days, but I suppose either is possible.

Even in Paradise, there are things that will draw some people to sue when they are thwarted in their personal quests. Worse yet, it is abundantly clear that the Americans with Disability Act provides a vehicle for all sorts of personal mischief.

The Law of Unintended Consequences arrives on schedule. It has so much opportunity because we insist on passing so many stupid laws, many of which are "interpreted" years later when the original good intentions are no longer discernable.

Now go play in a PGA Golf Tournament using a golf cart.

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"Imagination was given to man to compensate him for what he is not; a sense of humor to console him for what he is."

Francis Bacon {1561-1626 }

