

## And Convict was His Name-O

By Reg P. Wydeven  
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Last week our family went to the kids' school's annual Bingo Night. With 400 students and their families crowding the gym, the night is an exercise in controlled chaos. So it's fair to say that the atmosphere is far from that of a funeral parlor. Or, for that matter, a real bingo parlor.

A few years ago my wife and I played Bingo at a casino in northern Wisconsin. My only times playing Bingo were when I was in elementary school and then later at my wife's family's annual Christmas party. I learned very quickly that while Bingo may be marketed as a game, players at the casino took it very, very seriously.

The casino's caller was probably in her late 80s. After pulling the first ball out of the basket she said, "1-19." I cracked that she hasn't been 19 for at least 70 years. My joke was immediately met with dozens of seniors yelling "Shh!" and staring daggers at me. One lady even pointed and shook her cane in my direction. Threateningly.

That's why I wasn't surprised to learn that a kid in Kentucky got arrested in a bingo hall for yelling a false "bingo."

Austin Whaley, a 18-year-old man from Covington, entered a bingo hall with several other youths and yelled "bingo." Park Hills Sgt. Richard Webster, who was working an off-duty security detail at the hall, indicated that Whaley's actions "caused the hall to quit operating since they thought someone had won." He went on to say, "This delayed the game by several minutes and caused alarm to patrons."

Like with my prior bingo experience, the hall consisted of mostly elderly women, who again, did not take kindly to Whaley's bingo call. "At first, everybody started moaning and groaning when they thought they'd lost," Webster explained. "When they realized it wasn't a real bingo, they started hooting and hollering and yelling and cussing. People take their bingo very seriously."

After the ruckus, Whaley "refused to say he was sorry." In response, Webster cited him for second-degree disorderly conduct. Webster justified the ticket, saying, "Just like you can't run into a theater and yell 'fire' when it's not on fire, you can't run into a crowded bingo hall and yell 'bingo' when there isn't one."

Webster's argument is well founded. In the 1919 case Schenck v. United States, the U.S. Supreme Court held that Charles Schenck, the Secretary of the Socialist Party of America, was not afforded the right to freedom of speech under the First Amendment for speaking out against the draft during World War I. Justice Oliver Wendell Holmes, Jr.'s decision read that Schenk's encouragement of insubordination created a "clear and present danger," similar to a man "falsely shouting 'fire' in a theatre and causing a panic."

At his trial, Whaley was ordered by Kenton District Judge Douglas Grothaus not to say the word "bingo" for six months. If Whaley owns a dog, I hope its name is Rex.

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