

NSN EXPRESS

A PUBLICATION FROM THE OUTLAW CITY OF THE OZARKS
A No Standing News Special Edition / Fast reading for busy people

November 1, 2002

Number 13

Sheriff harvests rotten fruit • The “Judge Judy” railroad sting • School Board Propaganda Office will broadcast meetings • Holes in the Murphy case • Klitzing jumps ship • Plastic Mules and Exploding Turtles

Fruit of the Poison Sugar Tree. No one wants to talk about it publicly but the United States Court of Appeals for the 8th Circuit (**ruled on October 7, 2002**) that the Blankenship/Highway Patrol drug trap methods at Sugar Tree overpass are illegal. The Appellate Court Judges said the fact people drive up a highway ramp isn't probable cause to search their vehicles for drugs. With no probable cause, all evidence obtained as a result of that illegal action is - to use their colorful term - “fruit of the poison tree.” Sheriff Blankenship has made some big drug hauls during the golden Sugar Tree years and he and the DEA have done quite nicely divvying up the loot. The DEA got to ring up career buffing arrest numbers and Blankenship and the ‘Boyz’ got to keep 80% of the seized goodies from cars, gold jewelry, cash, boats, RV's, cameras and so forth.

None of the resulting loot was turned in to the school fund, in fact no one, including the county commissioners or the state auditor are quite sure how much they seized and what Blankenship did with it. Blankenship used his exciting drug bust publicity in our dull town very effectively to get reelected. Voters, particularly city voters with their own police were too credulous and/or too sheltered to realize that while the sheriff's “volunteer” deputies barbequed at Sugar Tree and waited for quarry to take the on ramp, they weren't providing people out in the county with protection from local criminals and a proliferation of back woods pot patches and metamphetamine stills. What now happens to the hundreds of arrests that resulted from using “fruit of the poison tree” as evidence? The people who were sent to prison on tainted evidence - do they get out? What happens to all the cars, gold jewelry, cash, boats, RV's, cameras and other goodies that were confiscated as a result of the illegal arrests? Does the county have to give it all back? What will all Blankenship's showboating really get us in the end?

Yee h-a-a-a! Bring ‘em downtown. People shouldn't be so NEGATIVE about a new idea just because it's a little zany. We think the ArtsRolla!/Chamber proposal for gussied up fiberglass mules on Pine Street is quite fitting. A mule is an unnatural hybrid of two different species, symbolic of forcing heavy-handed government solutions and public

money to cure a problem for what is supposed to be independent, survival-of-the-fittest, private enterprise. The painted plastic offspring of a jackass and a horse will certainly “bring ‘em downtown.”

The cry of every revitalization attempt has been to “bring people downtown.” Everyone repeats this fuzzy mantra to justify all the spending, but what does it mean? After ‘they’ get downtown what are ‘they’ going to do? Get a tattoo? Take a karate lesson? Have some home health care? File a lawsuit? Except for Helen's and a few other retailers, most of the remaining businesses on Pine are service businesses that generate infrequent traffic and little or no local sales tax revenue. Service businesses on Pine are a good thing but someday, someone must admit that high-traffic, high dollar retail from the good ole days moved out in the good ole days and will never come back. The public money that is being consumed and re-consumed decade after decade to further the hazy goal to “bring people downtown” is disproportionate to the tax benefit we get in return for throwing money down this one-way black hole for the benefit of a small segment of Rolla's total business population.

Decorated mules are a wacky but fitting addition to the sidewalk thingies Mayor Joe says are “designed to embrace pedestrian visibility.” Just one thing, we want the mules to be sitting on their haunches with a very puzzled look on their faces. Yee h-a-a-a!

We've been had! Do the suits at Burlington Northern snicker whenever they think of Rolla? They must because we have been such perfect small town suckers. The blockades and “NO LEFT TURN” orders across the tracks that Hargis and Butz have installed, to the general disgust and inconvenience of the driving public, *were not necessary*. The whole thing started because city hall wanted to get crossing improvements paid for mostly with federal and railroad money. The first rule of getting “free” federal money is that sometimes you're better off doing without their “free” money and the strings it comes with – a lesson the school board has yet to learn. The s-o-o-o scary “ruling by the Judge” that Hargis and Butz keep telling the council must be obeyed **was not from a real judge but from an**

administrative judge – some minor bureaucrat in the Missouri Division of Motor Carrier and Railroad Safety department. He's as much a judge as our county commissioners were when they were called "County Judges." As of July 11, this railroad regulatory department was moved to MoDot and all hearings are now done by another bunch of bureaucrats (more pretend judges) at the state Administrative Hearing Commission (AHC).^{*} The AHC now rules on all railroad issues; same bureaucrats - different address. In the very first paragraph of the [AHC web site](#) it says: *"Any party, including the state agency, may seek review of the Administrative Hearing Commission's decision from the judicial branch."* In other words, if you don't like what the little bureaucrat decides go to a real court and appeal it.

A so-called "judge" of the AHC is not a "go to jail" kind of judge, he or she is just someone paid by the state to 'rule' on a complaint or disputes between the public and state agencies or state regulated corporations like the railroad. That's a "Judge Judy" kind of judge. So why didn't Rolla argue to this paper judge that his order in [Case No. RS-01-620](#) to *"install and maintain a "NO LEFT TURN" sign at the Oak Street/Seventh Street intersection, a "NO LEFT TURN" sign at the Elm Street/Seventh Street intersection, and appropriate curbing to deter left turns from Oak and Elm Street onto Seventh Street at the Railroad-Highway crossing"* was unreasonable? In finding #8, "judge" Chris Graham declared that: *"public necessity will not be adversely affected and that public safety will be promoted by altering the Seventh Street/Railroad-Highway crossing as proposed by this Application."* Fat lot Graham knows about it, when did he ever drive around in Rolla? We bet Graham can tell you the golf scores of a half-dozen BN&S employees.

The railroad would like to shut down nearly every crossing in every town for the purely selfish reason that it would reduce their costs and liability and increase their profits. There's plenty of case law to prove that other towns didn't just lie down and take these kind of heavy handed state/railroad decisions but we're probably the only bumpkins that didn't know the difference between a circuit judge and a petty bureaucrat with a puffed up title.

Why didn't they fight this absurd ruling? Why didn't they go to a real court to explain to a real judge why the decision was arbitrary, capricious, a hazard to emergency services and public safety and not in the public interest? Did no one on the council know this agency 'judge' was a paper tiger before they meekly voted to constipate our traffic flow? Did the city administrator, engineer and lawyers not know how flimsy this so-called 'judicial order' was? If they didn't what are they being paid for? If they did know why didn't they recommend to the council that they appeal the silly order? Butz and Hargis said this is the best deal they could "negotiate." Judging from their record of 'negotiating' with

developers, that's like sending Peter Rabbit and Winnie the Pooh to negotiate dinner with the Wolf.

Is it worth spending money on a fight to keep our traffic patterns open? Yes it is, just ask someone having a heart attack, a break-in or a house fire. The city can afford it; the council passes out our money to special interests all the time. They gave \$10,000 to Bill Marshall and their development committee to join the Ft. Wood Regional Commerce and Growth Association and they didn't flinch at giving the Chamber over \$5,000 and taking on the perpetual liability and upkeep for a kitschy caboose. If it's that easy for them to throw money around they can afford to fight the railroad gang for the health, safety and convenience of all the rest of us.

^{*}For a previous encounter with the AHC. See [NSN Vol. 1 #54](#), "THE GOVERNOR'S COMMISSION: ETHICALLY IMPAIRED OR JUST STUPID?" 1/26/00

More mushroom management. It took us only two minutes to look up the AHC on the Internet and find out the city has been running from Casper the Ghost. We doubt the council knows whom they were dealing with or what their options really were; they make most decisions while hermitically sealed from the facts. They don't find out what the consequences of a decision are before they give the staff a blank check and they don't ask questions until it's too late. Blindly trusting their 'professional' staff frequently results in a mess like this and then the council asks, "Why weren't we told this before?" When are they going to figure out that their staff only tells them carefully edited facts to get the council votes they want?

Stay away from School Board Retreat. On November 9th at 8 a.m. the Rolla School Board will have their retreat in the administration building. Yes it is an open public meeting and yes it is about your taxes and our public debt but whatever you do - don't go. You especially must not go if you have questions to ask or opinions about what they should do or not do – they don't want to hear any of that until after they decide what's good for us. After they decide they will have a couple of meaningless public meetings to "communicate" with "stakeholders" and get their "input" before the election. At that point you will find out you still don't get to say anything because you aren't a "stakeholder." "Stakeholders" are friends and fans of board members who can be trusted to jump on the bandwagon without asking where it's going.

The audit criticism of their junketing thwarted plans for what is usually their annual secret retreat held out of town - that's where they usually plan this kind of thing. Time is getting short and they're getting desperate to have a 'public' meeting when the public isn't actually present. What to do, what to do? They have started having 7 a.m. public board meetings to get some privacy but that hasn't worked out. So for heaven's sake don't drop in on their open

public meeting on **Saturday, November 9th at 8 a.m.** where OUR elected board members will decide how to get OUR votes to build more buildings to increase the already bulging overhead in OUR school district with OUR taxes.

The School Board's Shark repellent. This school board retreat would be televised on Channel 16 or Channel 6 or both except the board found an end run around both proposals. They will buy the expensive equipment, have students tape their meetings and sell the tapes at cost. To whom do they plan to sell the tapes? Well, to the two stations that offered to broadcast their meetings at little or no cost to the board of course! How's that for fuzzy thinking? This way the board will waste a lot of money in order to control information about their meetings and the tapes they can edit or delay at will just become part of their propaganda machine. If either station does a delayed broadcast they will have to heavily disclaim the content because they can't control the quality, sound or lighting they can't guarantee the tapes were not edited. Even if the stations agree to all this it's unlikely that we will see any televised board meetings in the near future, certainly not until well after the April election. Generally, the board fears having the public see any of their public meetings; specifically, they don't want the next dozen meetings broadcast where taxpayers can watch them laying plans for the April ballot issues. Delaying broadcasts until at least after the April vote will be simple, just look at the easy excuses: it will take time to buy the equipment, organize the students, play with the wiring... the committee meetings alone can eat up 6 months. If you ever actually see a televised school board meeting you will never see it live, never know if you are seeing an edited version and any important bits that suddenly become inaudible will be laid down to inexperienced students or the equipment. The shark repellent should work quite well from the board's point of view but the public is not being well served.

Will the two stations pay the school board to get copies to provide a public service? A few years ago when the city tried to charge the Rolla Daily News for copies of agendas and other meeting information and last year when the school board tried to do the same, the newspaper said they would quit covering their meetings before they would pay a dime for the information. They had a good point. Why should media pay a public board to do a public service?

Students are not welcome either. Adams tried to prop up this lame solution with the added excuse that by taping their own meetings they can then "address" the FERPA regulations if students appear before the board of education. Now most people reading that will not have a clue about what it means but will be impressed with how important it sounds. They will assume that there is some seriously spooky federal privacy law about students that the board and Super are diligently struggling to address, but the fact is it's just Bureaucratic Bullhockey. FERPA has to do with privacy

of student records and identities only during school and only under certain conditions. Students who attend a school board meeting or any other public meeting are merely young citizens at a public meeting. If this were a legitimate problem (which it is not) and not just a convenient red herring (which it is) then logically, students would have to be banned from public school board meetings to protect their privacy, the meeting would have to be closed to the rest of the public and press every time a student dropped in or everyone would have to be sworn to silence about the identity of the student. The first two methods are clearly illegal and all three are clearly stupid. If the board gives an award to a student or a student wants to speak to the board will the image in the paper or on TV have that little blurry spot? Maybe they could wear black hoods and be called "Student X." How will students tape the board meetings if FERPA is a real issue? The possible remedies for this "problem" are as absurd as the imaginary problem.

If Adams and the board got this ridiculous advice from Tom Mickes, their expert education lawyer, it proves Tom Mickes is an idiot. If they came up with it themselves... We hoped they would get rid of Mickes this summer when his partners threw him out of his own law firm and filed an ethics complaint against him with the Missouri Supreme Court. Both actions are serious quality indicators, but they weren't plain enough clues for our school board. If they don't have a lawyer who knows the FERPA law better than this they could try reading it themselves... but would that do any good?

News from outside the Cone of Silence. KY 3 carried this story. On a CD-ROM dated May 2001, provided to the station by the animal rights group PETA, it shows the Kappa Sigma fraternity members at UMR lighting explosives strapped to the back of a box turtle. In the video frat members can be heard yelling, "He's still alive!" PETA has complained to UMR Chancellor Gary Thomas and Rolla's animal control officer Inge Wilson. She told them the statute of limitations on blowing up turtles had run out. Chilling thought: Today's turtle torturers will be tomorrow's engineers.

What did the Council know and when did they know it?

On September 16, Murphy's lawyers, David Mills and Dan Birdsong sent a [letter to Beger and Bushie](#) pointing out a number of glaring discrepancies in the police and witness depositions they had taken shortly after Murphy's arrest. They believed the council should know how shaky their case was and asked Morgan and Butz to inform them. The statements were taken under oath on September 13, from; Sgt. Moberly, Corporal Martens, Officer Kim, Mrs. Moberly and dispatcher Brock Vogt, and they are admissible in court. We wonder if the council saw this information before they voted to fire Murphy the second time on September 16th? In summary it states that Mrs. Moberly who was riding with

her on-duty husband did not see Murphy fail to stop at a stop sign, which her husband cited as the reason for the stop. Sgt. Moberly testified that Murphy was cooperative and submitted to all field sobriety tests and was handcuffed without incident. In fact, **all witnesses, with the exception of Corporal Martens, who claimed he was assaulted, testified they never saw Mr. Murphy assault or attempt to assault anyone.**

We find the many discrepancies in the depositions disturbing considering the picture the city has painted of the incident and the action taken. Particularly disturbing is this statement in the letter to Beger and Bushie from Mills and Birdsong: *"Sergeant Moberly testified he and Martens got together and "discussed" the incident before they wrote their reports and did an outline together for writing the reports. Sergeant Moberly testified that they both discussed their fear of losing their jobs as a result of this incident. Corporal Martens denied ever having any such conversation with Sergeant Moberly."* What is being done about this indication that arrest reports may be "cooked" because of a climate of fear in the police department? The council

considers the Murphy case closed. On the contrary, if this is true their problems are just beginning.

Capt. Klitzing finds a lifeboat. After sending an SOS to headquarters in Port Perfect, Captain Michael Klitzing received orders from Rear Admiral (silver tongue) Butz and Commodore (my word is my bond) Morgan that the SS Centre was to maintain speed at 100% regardless of icebergs. "It has to be done," said the desperate Admiral. Cruising in at 80% was clearly unacceptable. If the SS Centre doesn't reach port quickly it will set off a chain reaction in the finances of Port Perfect that will make the crash of '29 look like pennies falling from a torn pocket.

With rudder locked on a course setting straight into the Recapture iceberg field, Captain Klitzing could see the SS Centre was doomed but unlike the captain of the Titanic, Klitzing refused to go down with this ship. He jumped into a lifeboat and headed for safety to an island in the Sea of Indiana.

With Captain Klitzing gone what will happen to the SS Centre? Who will take over command? Chief Officer Mitch Lewis applied for this command in the beginning but will he want to take over just in time to go down with the ship? If so, the Mayor and the Recreation Center Advisory Board should be lashed to the mast.

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