

NSN EXPRESS

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The Vote on Family Video – Politics, Power and Porn

Council plans sneak closed session Monday before public arrives The Morgan Compromise
Joplin lesson Chamber silence TIF news Park Study Veto RCTA questions candidates

Beger speaks. The city council is waiting for **City Counselor John Beger** to give his opinion on the Family Video rezoning when the City Council meets on March 17. We're all waiting to hear Beger's opinion. We're waiting to see if Beger's research on rezoning turns up the fact that the council repeatedly turned down rezoning for former Mayor **Floyd Ferrell's** property on Hy. 72 and **Nick Barrack's** rezoning - and for much less reason. **Mayor Joe Morgan** has been frantically phoning the council from Florida to sell them on a compromise – something like approval for the rezoning if **Family Video's** porn room is deleted. Some won't vote for it under any circumstances; they've already figured out that Family Video can't be trusted to keep any deal and they don't want a porn store on the main entrance to town or anywhere else. As **Councilman Lou Magdits** told **Video Roy** when he reprimanded him for misrepresenting their phone conversation, "*to extol the benefits of free children's movies [to justify porn] is in poor taste.*" Good observation, and a clue to Family Video's corporate values. Some members of the council, however, are ready to vote for anything that smells of money. They also don't like citizens telling them what to do. When representatives elected by the people have to start listening to the people they represent... who knows where such craziness will end?

The "Morgan Compromise." Morgan wants the sales taxes and he doesn't care about the source of the money. However, Joe put his finger in the wind (or Butz put his finger in the wind for him) and now he doesn't want the porn room - he just wants to help Family Video make money here so they can sell porn everywhere else. He is telling the council they can have their cake and eat it too. He will pretend the Morgan Compromise can work but Rolla's entire history of ordinance enforcement belies that claim and they know it. If **Roy Williams**, (Family Video) later starts putting porn videos in his back room, as Family Video did in Carbondale, Illinois after agreeing not to, nothing will be done about the violation. The council has done nothing about ordinance violations that have existed for decades and if they're that hungry for the sales taxes Roy is dangling in front of them now, they'll never give them up later by closing him down. The Council and City Administrator **John Butz** keep telling us we have a "complaint driven" enforcement system in Rolla. Code violations are not enforced unless individual citizens come in, fill out paperwork and sign complaints themselves. Even

then, the city finds excuses for the violator or for dragging their feet and still nothing is done. The city can't do something as simple as protect the public from a vicious dog without a special hearing, the testimony of three cops and a majority vote of the city council to officially declare that a mean pit bull is "dangerous." You've got a better chance of being struck by lightning than seeing Roy's Family Video shut down.

What Morgan and the compromisers want from Beger and will surely get (after all he's paid \$125 an hour to do it) is an opinion that will give them legal sounding excuses and spooky warnings about being sued so they can claim they had no choice but to either grant the rezoning or make a deal with Roy. The word "lawsuit" came up much too often in the limited discussion at their meeting on March 3rd and it wasn't even Roy who brought it up; he didn't need to, the council's own employee John Petersen did it for him! If 'lawsuit' is the magic word to get what you want out of city government then everybody should use it. People who make decisions because they're frightened they might be sued usually make the wrong decision. There are some things in life that are worth fighting for.

The "Potential Litigation" Excuse. Morgan being Morgan we could easily predict that they were planning to try to close the meeting to take this vote. The excuse is always "potential litigation." All someone has to do (and they laid this one on thick at the council meeting) is say, "Oh my, this might cause a lawsuit." Bang! The door is slammed shut on the public and the vote is taken in secret. The same phony excuse can as easily be used to close the vote on granting a dog license. Morgan and Butz have called a closed meeting for 5:00 Monday afternoon BEFORE the council meeting. They don't have the nerve to throw this pie right in the face of a huge crowd so they're going have it all done before the crowd gets there. Up till now they just looked indecisive and nervous. Sneaking around having illegal secret meetings to get their excuses worked out begins to look like something worse. Last Sunday morning too many people going to church saw surveyors out working on the Family Video lot. It looks like Roy has already counted his votes.

Cutting off your nose... While they are having their covert closed meetings before Monday night the council would be wise to take a close look at the names on the petitions. They

include former **U.S. Senator Jean Carnahan** (D) and **State Senator Sarah Steelman** (R) - this issue crosses party lines. Before the meeting is over on Monday there may be more names on the protest petitions than there are voters in city elections. The Mayor and council badly need voter approval next April for their bond issue to pay for sewers and Joe's Road. The council might consider the political trade-off they're facing. Roy's small contribution to their tax revenues (or whatever it is that makes him so sought-after) could easily cost them millions in bond financing next April and endanger a lot of other chestnuts they're roasting. Roy will eventually go away, thousands of disgruntled city voters won't.

Is appeasement our Community Standard? Most of us let our eyes slide past the naked covers when we're shopping, visually editing out pictures that make us uncomfortable. We don't patronize "adult" stores and we don't send our underage daughters to strip at Big Louie's. We have porn filters to protect our children and we don't bring R or X-rated videos home. The fact that we've learned not to "see" the magazine covers and we must use pornography filters proves that porn has invaded our lives even as we reject it. **The Supreme Court does not give obscenity First Amendment protection**, this is not a free speech issue. The Court said we must establish our own community standards and they have affirmed repeatedly our right to deny a rezoning based on those standards. Roy may sue but he won't win. This is one time the government isn't dictating to us - the power to decide what our community standard is and what kind of community we want it to be from now on is entirely up to us. With power comes responsibility, so even the most squeamish of us must quit averting our eyes and take a hard look at what pornography really is. This is not about the centerfolds in Playboy or Hustler - the battleground of 30 years ago - this is something very, different and more dangerous. It's not just "something that shows sex" as Roy Williams modestly claimed.

Joplin's nasty lesson. Joplin found out the hard way what pornography and obscenity could do to a community. They've been locked in a three-year battle to try to rid Joplin and Jasper County of their spreading video venereal disease. They thought they could compromise and control the so-called "adult" purveyors. They didn't establish their community standards because they bought into the argument that "people shouldn't impose their morality on others." What was the harm in having a little pornography, they said. People who don't like it can "vote with their feet," they rationalized. "The government shouldn't dictate what people do", some objected. Joplin was very tolerant, progressive and so reasonable. They opened the door for the adult book and video stores and then next stage of video pornography began - "viewing booths." "Viewing booths" are enclosures where one or two people pay to go into a windowless space, close the door, play a video and... well, what they do is described in the following excerpts from two articles published last fall by John Hacker, staff writer for the Joplin Globe. An adult

book and video store is being prosecuted under a state law allowing sex parlors and video viewing booths to be cited as health violations. According to the state law, a person is guilty of maintaining a nuisance if the building is used "*for the purpose of lewdness, assignation, or illegal purpose involving sexual or other contact through which transmission of HIV infection can occur.*" The store manager pointed out that he "will not allow any movies with animals, children or human excrement." That's apparently his version of a moral stance.

October 4, 2002. "Health law may close video store." "The law is now set up so we can work with the health department to tackle this problem," [County Prosecuting Attorney] Geeding said. "It gave the law teeth where it didn't have before."

Geeding said he asked for the injunction after investigators, armed with a search warrant, searched the store Monday and found evidence of "high-risk behavior," including sodomy, oral sodomy and ejaculating in public.

Geeding said investigators found evidence that the managers and employees were actively encouraging this behavior by providing paper towels after customers were finished.

November 15, 2002. "Video store still open for business, State alleges establishment operates as parlor for sex." County Prosecuting Attorney Steve Geeding is seeking an injunction to close the store for a year, alleging the owners of the store are maintaining a nuisance by allowing customers to masturbate and have unsafe sex.

Jim Buttram, Pineville, the former janitor at the store, gave graphic testimony about seeing men masturbating, men having oral and anal sex with other men, and men and women having sex, all in the arcade portion of the store. The arcade was described as a place in the back of the store where people could use tokens to watch pornographic videos in booths. Buttram said his job was to clean up the booths and empty the trashcans.

Come to think of it, how do we know Roy's back room won't have viewing booths? Even if it doesn't, the idea of children innocently wandering around just feet from ... ***In the above case the Judge closed the video business for one year - the maximum time that statute allows.*** They

accomplished this much only because they had a very determined County Prosecutor and citizens who never gave up the fight. If you think a compromise might work, if you think Family Video can be trusted, if you think the city will ever enforce a violation and give up sales tax money, think about Joplin's lesson in the reality of pornography, it's much more than just "something that shows sex" and it's very hard to control once it gets a foothold in the community.

Rolla's turning point. There are critical turning points in the life of every community. Usually, we're not aware of them until we look back years later and we can identify some decision or event that influenced everything that came after it. Rolla is facing an unmistakable turning point. We will be able to say for years to come, "that's when it happened...that made the difference." Over 1,500 people have already signed the petition against Family Video and pornography. Despite a nearly total blackout on news of the Family Video rezoning controversy by the local newspaper, an estimated 175 or more people (the crowd packed the council room and the pickets spilled out into the street and the parking lot) came to the last council meeting to show their strong opposition. Twenty-five church congregations are officially opposing the Family Video rezoning and they also want the loopholes in Chapter 29 and 25, (adult entertainment and business license ordinances) closed up. If Roy had bought a lot that didn't need rezoning, for a \$35 license fee he'd be breaking ground right now because our business license laws and their weak enforcement by the city aren't strong enough to stop him. Petersen admitted that he only sent an "investigator" to find the dildoes and pornography sold in other businesses in Rolla after this issue blew up. Petersen didn't do it to check on whether they had a license for the business or whether they were complying with the city code, he investigated only because he was trying to find excuses to help good ole Roy and Family Video.

The Chamber's loud silence. There's an echoing silence from the Rolla Area Chamber of Commerce on the Family Video rezoning. They aren't silent when they morph into their alter ego as the school "Business Partners" and sponsor increases in our school taxes. They weren't silent when they wanted the Tourism tax money to "bring tourism" to Rolla. They weren't silent when they backed the taxes for the recreation center or the downtown renovation (again) or when they joined the RREC and created the TIF machine. All that, they told us, was good for Rolla, good for our quality of life. That was economic development and jobs they said. Now that the question is, "How low will we stoop for money and jobs?" the Chamber has faded into the woodwork. Will the red-coated Rolla Ambassadors proudly cut the ribbon for Family Video? Will the Chamber welcome Roy and Family Video to their business club or are there some things they won't endorse for money?

"Decisions are made by those who show up." Having questioned the Chamber's official silence, we must point out

that some business people in Rolla didn't think twice about what it might cost their business or personal income to stand up for their principles. The Jordan's and Sue Stoltz didn't have to think twice about what came first – money or morals. There are probably other business people who signed the petitions, came to the council meeting and will be there again Monday night, we just aren't aware of their names. If you know who they are let them know that you appreciate their courage. Come to think of it, they might be the kind of people you want to do business with.

The Rolla Ministerial Alliance also came through in spectacular fashion, as you would hope religious leaders would, even though there probably are some members of their congregations who don't agree. Those who too easily put down the protestors as a self-righteous religious movement or cast slurs about their motives better take another look. They aren't all church goers, morality and ethics aren't only absorbed through a church pew and they don't stop at the church door. Underlying the pornography issue there could be something else. People may just be tired of being told that what's good for them can only be measured by money. People may be tired of being ignored and seeing their taxes used for things they don't think really matter. People may just be thinking about taking their town back.

News from the TIF Corner. In the Sunday paper (sports section of course) John Petersen has a large legal notice letting everyone know he's trolling for Tax Increment Financing projects. The ad with all its instructions about how a project must meet the City's exacting objectives is a farce. The only TIF objective is money for the city. Hogan is probably finishing the plans for the Walgreen's store on Callen's corner as we write.

The TIF irony of the month came at the last school board meeting. After they had capitulated and it was too late to do anything about it, the board finally discussed TIF – in public that is. NOW they're beginning to be concerned that this TIF thing is overly broad, has no controls and may get out of hand. Maybe, they mused, they should set down some restrictions on TIF that they could agree to live with and give them to the TIF Commission. That's like telling your daughter how babies are made after she's four months pregnant. Bricker, the George K. Baum bond guy was there that night so he shared his experience with TIF projects. He told them it would be a noble effort to try to put a bridle on the TIF pig – other school districts have tried and failed. He added that if Kansas City could declare Country Club Plaza "blighted" anything could be blighted. It was his observation that TIF "could cannibalize small towns."

The Park Study Veto. After talking for over a year about the need for a master plan or study of some kind for Rolla's park and recreation system, the council voted to hire a consulting firm to do a study. The Mayor notified the council in a memo on February 27th that he had vetoed their decision. Morgan said that the \$38,000 for the study was too much money; Kwantes and the staff had the "expertise" to do the study he

claimed. Morgan isn't really worried about the cost; he and Petersen will spend much more than that in miscellaneous expenses for their disastrous TIF project. Morgan is worried about all the surveys and public meetings the consultants will have with people who don't share his view that a public park is just an empty lot waiting for a buyer. He's afraid that the public survey may show people want their independent Park Board back and he doesn't want us to have one. The experts in parks and recreation might ask why we illegally disbanded our park board 25 years ago, why the council is spending a special park tax that only a park board is legally allowed to spend, why one park was sold for a dollar, why Ken Kwantes spends over \$300,000 a year on little more than mowing grass and why his concession stands never make any money? Morgan doesn't want answers to any of those questions but many on the council do. The council now has to override Morgan's veto and hire them anyway or let him bully them into submission so he can keep his options open in his continuing effort to find buyers for all those big empty green lots.

The RCTA meeting. The teachers had their annual meeting to examine candidates for the school board. It wasn't like last year where two challengers were targeted for ugly personal accusations and the incumbent "Slate" of **Bass, Rapiet** and **Strassner** were pitched softballs. The word had been passed that there will be a hiring freeze, and "other things" might need to be cut in the coming budget crisis. How this became a fact when the board hasn't voted on it is one of those mysteries that can only be explained by either "off-line" decisions by the board or unilateral decisions by the Superintendent – both are illegal because the board has to vote to change either the policies controlling salaries and

benefits or the budget that pays them. Board President Annie Bass, assisted by **Aaron Zalis**, was the first to break the news during a KTTR interview the week before. What a gracious way to tell the troops that they're being torpedoed. Zalis, who doesn't get nearly the credit he deserves as author of the Reed fiasco and the sale to the porn shop, assisted Bass in discussing these budget cuts and "possible" changes in benefits for non-certified employees. Until that interview the school board has not had more than one thirty second discussion on the next budget and that was a vote to reduce the supply budget by 10%. When and where are all these decisions being discussed and decided? We know about the "Speaks With One Voice" rule but if Zalis also speaks does that mean we now have a "Speaks with Two Voice" rule?

Are the plans for the board's new office building and RTC expansion in danger? Unthinkable. Well, they got two raises out of three – that's something.

George's mistakes. We had hoped in the next few weeks to give you some financial facts about the complicated refinancing of the old debt and the \$8.5 million school bond debt before you vote in April. There seems to be a lot of misunderstanding about them and the "It's Elementary" bond committee doesn't seem to be doing anything to clear it up. People have gotten the impression that the refinancing is somehow going to pay for the \$8.5 million bonds. Sure, and the line for the free lunch forms at the right. You'll not only pay for every dime of the new bonds but you'll pay millions more than the debt would normally cost. However, in going over the official Debt Service Levy Analysis prepared by George K. Baum and Co., we find several errors and inconsistencies in his calculations. When we find out why his figures don't figure, we'll get back to you.

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