

No Standing News

Since we have no standing, we stand with those left standing.

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"THE SUNSHINE LAW IS A PILE OF SHIT!"

Quote: Jimmy Dale Williams, Ward 5 Representative

By Phil

When Williams spit this out at our editor, Robert Nash, after the May 3, 1999 council meeting, Robert asked if he could quote him. Williams arrogantly agreed to let us use his exact words. We have. Vulgar as his language is, the attitude that produced it is much more obscene. This came out of the mouth of a public official that votes for laws and demands the rest of us obey them or face fines and jail time or both. While he was swearing his personal oath to uphold ALL laws did Jimmy Dale have his fingers crossed? Congratulations, residents of ward five. That's some terrific representative you have there. When did your man-of-the-people Jimmy Dale Williams become such an administration apple-polisher?

This is what it was all about. Three citizens, Meshelle Meiers, Robert Nash and Lois Marler all spoke, or tried to, with different, but equally valid, points about the proposed city policy imposing fees for copies of public records and the new "Morgan Meeting Rule" designed to stifle First Amendment speech and due process at public meetings. What does Due Process and the "Sunshine" law have to do with access to records, open meetings and when the public can and can't speak at Morgan's meetings? It has everything to do with whether Rolla's form of

government is a constitutional democracy or a dictatorship.

The issue starts with the "Sunshine" law, or Chapter 610 of the Missouri Revised Statutes, which requires that except for land purchases, litigation, hiring/firing of employees, and a few other narrow exemptions, all government meetings and records must be open to the public. This law is the only safety mechanism that the public has to check on whether they are getting due process from government. We are guaranteed that "No person shall be deprived of life, liberty or property without due process." (Missouri Constitution, Art. I, Sec. 10.)

But how can we know whether we are about to be deprived of life, liberty or property if we can't hear through closed doors, can't find out or comment on the laws imposed on us, and aren't allowed to speak to protest waste and abuse of our taxes? The Sunshine law kicked open the door to the "good ole boy" backroom and made records, votes and meetings available so we could find out for ourselves whether we are getting due process.

Without due process, which the Morgan/Butz administration believes only applies to courts, we are deprived of the opportunity to know, the right to speak and be heard in a timely manner, to protest or defend against what may be government abuse of power - or what is equally dangerous and much more common - waste, stupidity and greed. Without the access provided by the Sunshine Law (which the council just put a price tag on), our only option is to hand over our taxes and believe whatever we are told. For

instance: "Just trust us," they said before we voted. A few secret meetings, "Confidential" plans, some flim-flam to the council and they've turned our outdoor, olympic-size swimming pool into the world's biggest concrete birdbath. That's how the "Big Brother-knows-best" school of government works.

THE SEARCH FOR "LICENSED RECOGNIZED MEDIA": It started in January when Lois Marler asked Butz to run off one extra copy of the council packet, the approximately 50-pages containing the 'nuts and bolts' of the council's twice monthly agenda. She needed it because she's a demon for accuracy when writing the NSN 'Council Chronicles' report- something Butz and Morgan desperately wish she wouldn't do. When he refused, she asked Butz to explain why running off one extra copy (on a copy machine which automatically prints and collates the 20 or 30 packets they make for each meeting), was such an impossible thing for the city to do. He e-mailed back that he could only give the council packet out to the "licensed recognized media." The Rolla Daily News and KTTR were "licensed recognized media," he said, and this entitled them to get a copy of the council packet so they could understand what was taking place during the meeting. Marler and NSN weren't "licensed recognized media" Butz had decided (all on his own) so Marler and all other citizens present at council meetings could sit in the dark unless they paid for enlightenment by the page. It clearly wasn't the concern of the Morgan/Butz administration if they and other citizens in the audience could not understand the mostly unexplained and hastily approved council actions.

His obvious invention of a "licensed, recognized media" was just too much fun to pass up. The Missouri Press Association, the expert on all things "media," was consulted. The MPA said there is no such thing as "licensed recognized media." They also said there was not and never had been licensing of the media in this state and

they didn't want any so for heaven's sake don't go blabbing that bad idea to any legislators. They explained that given the huge number of newspapers, newsletters, and the recent proliferation of Internet NSN-type publications, they would be hard-pressed to define "media," "news media," recognized, unrecognized, or any other kind. The experts have spoken. There is no such thing as "licensed recognized media." Anybody can be a reporter and practically any form of news or information dissemination can be "media."

The logical conclusion based on Missouri Press Association's expert opinion is that the Rolla Daily News and KTTR aren't entitled to a free packet either. They too are just citizens using public information (for commercial gain) and they should have to pay if everyone else does. So John, if you're going to make up stories - make up better stories.

MESHELLE MEIERS was trying to get the council to actually READ the Sunshine Law and understand that they can only charge "actual" costs for copies of paper or tapes. She seemed to want them to think for themselves, (foolish woman) instead of just assuming that whatever Butz invented was correct. "Actual" costs under RSMo 610.026 means they can't just ballpark their prices. They have to be able to prove, to a judge if necessary, that 10 cents a page is the actual rock-bottom cost of putting a piece of paper on a copier and pushing a button. They haven't done that, so every time they overcharge someone for a copy they are committing a crime - by the page!

ROBERT NASH, editor of No Standing News, was trying to get them to quit giving out the whole council packet (not just the 2 or 3-page agenda as reported in the RDN) free to the two for-profit corporations, RDN and KTTR, while denying the same information to citizens attending the meetings unless they paid cash for it. As Nash pointed out, treating people

differently is discrimination - and it is. But when Robert Nash uses the "D" word people fall out of their seats with fright. There was more than one beet-red face up on the dais. If we have a local expert in the Big D it's Robert, but it wasn't that "D" he was referring to. His point was, either everyone who asks for it gets one free (as was the practice during more enlightened city administrations), or everyone should pay the same including the newspaper and radio station. The RDN, after getting free copies of city records which they use to sell papers, then turn right around and make the city (taxpayers) pay cash for every public notice they have to publish. Talk about cheek!

LOIS MARLER intended, in all good faith, to point out how many loopholes and flaws there were in the policy so they could close them up and have something on record that at least didn't look so silly. She, like Meiers and Nash, was trying to warn them that there was a better way. That's called being POSITIVE. When citizens are allowed to speak BEFORE the council passes something that will deprive them of their property (money for copy fees) that is called due process, a very POSITIVE American thing. But "Open and Honest" Morgan's preferred method of running council meetings doesn't allow for the public to speak until AFTER the votes are all over. That is NOT due process. He doesn't want the opinions of the people who elected him to interfere with his pre-planned outcome. The council had already passed the policy when Morgan grudgingly let Marler have the floor. Whatever improvements to the policy they might have gained from her suggestions, and she had some good ones, were now pointless. She told them instead that suppressing public comment on legislation or policies BEFORE they are voted on is a violation of due process. She was absolutely right.

We know Morgan doesn't commit most of these blunders just to prove that he can trample on the Constitution and the Bill of Rights. We're

convinced he has no understanding of either document. He probably does it because he thinks council meetings should be run like his country club board meetings. At the "club" only certain people have the necessary status to be afforded the courtesy of speaking at the appropriate time. To prove the point he has frequently slipped up and referred to the city council as the "board." What's worse, the twelve "board members" don't correct him when he does it.

THE BUTZ WHOPPER: Butz was so upset to have his new policy challenged that he made it a major topic of conversation on his KTTR post-council interview on "Dayline" the following morning. He and Tom Colvin went on for fully 15 minutes about the Nash/Meiers/Marler remarks. You would have thought Nash, Marler and Meiers had committed a real crime like giving away more public property to RCDC for a water tower, which will exclusively serve those favored by RCDC while local businesses in town burn down.

Butz, with Tom Colvin cheerleading, got so wound up that he either told a really big lie or admitted a really big truth - you be the judge. He said that the due process Lois Marler was accusing the mayor of violating didn't apply to the city council or to city business! He said (this is right from a tape of the broadcast), "Comment made last night is that they (Nash/Meiers/Marler) don't receive due process.... which is a court of law matter and not a public rights....a citizen's rights issue." Tom Colvin, a media guy who gets everything free, enthusiastically agreed.

Due process is NOT a public right? NOT a citizen's right? Did Butz realize that he was making a public announcement that Due Process, one of the most cherished rights of American citizens, DOESN'T apply to Rolla city government or to Rolla citizens? Mind you, we're not arguing that there is precious little of it practiced in city hall. It's also crystal clear they don't understand what it is or why it is important.

We're just astonished that Butz has made a public declaration that due process doesn't belong in city government! Where did he go to administrator school?

Fact is, the constitution, state law and the city codebook are all full of requirements for due process hearings and appeals on all kinds of city actions. What does Butz think all of that is - chopped liver? If he believes due process doesn't apply to citizens or city operations he should have a talk with the public works director. Hargis can hardly turn around without running into some due process requirement on zoning and codes enforcement. City ordinances, by law, must be made public three times before they're adopted. (They aren't here, but then this is Rolla, which Butz has announced is the "No Due Process City.") With a few specific exceptions, all city meetings, even the Ad Hoc Recreation Committee meetings, must be publicly posted and open to the public. (They haven't all been, but then this is Rolla, the "No Due Process City.") With a few specific exceptions, all committee meetings and all city records and documents, are open to the public even if some idiot has stamped "CONFIDENTIAL" on them in a pitiable attempt to keep them secret. Moorkamp and Company would do well to remember that. They have already had a number of unpublicized (secret) meetings in violation of the Sunshine Law. That puts the "birdbath" and their recreation center at risk.

All Meiers, Nash and Marler were asking for was that the council obey the law, that everyone be treated equally and that the administration quit trying to hide their plots and shenanigans behind petty rules and fees to make it difficult or expensive for people to get information. If everything the City Hall Machine does is truly well intentioned and so good for the community, why do they work so hard to hide it? Why, for instance, are they having all the so-called Recreation-for-Everyone/City Ad Hoc Recreation committee meetings at 6 A.M.?

Morgan and Butz badly need lessons in public relations. They also need to be sentenced to a year in a 7th grade civics class, but lessons in public relations would do for starters.

What the Sunshine Law 610.026, (1) actually says is this: "Fees for copying public records shall not exceed the actual cost of document search and duplication. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester;"

Is it the "contributing significantly to the public understanding of public business" part that scares them so much?" Notice that the law doesn't say the fees can be waived or reduced for some people but not others. City officials are expected to be smart enough to know that is discrimination. Butz, in his new role as interpreter of the law (a position already badly filled by John Beger) explained to the council that "The (Sunshine) law allows us to apply it (the Sunshine law) based on public interest." He went on to say, "We've made a determination that providing it to the media has a public interest." Just who is "we" and when did "we" decide this? Another Butz-ism. The council, with the exception of DeFreise, swallowed it whole.

Wiser Missouri cities waive copy fees because taxpayers have already paid a lot to have those records created. Smarter Missouri officials know that open access tends to demonstrate that they have nothing to hide. Of course you can only do that if you really don't have anything to hide. It's just smart politics to be generous to the people who pay all your bills and whose votes and money you will be asking for again and again in the future. Smart politics - something we have

never been tempted to accuse this administration of committing is smart politics.

Even without the public announcement by Butz that due process is not a citizens right, it has become quite clear that democratic principles are an inconvenience to this administration. If this is the caliber of leadership we can expect from the two of them, the council would be well advised to find someone else to follow.

FREE MAYBERRY NOW!!!

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