

No Standing News

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

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MAYOR ACCUSES NSN OF COMMITTING "LITERACY!"

By Phil (People Helping Individuals Learn)

At the end of the September 7th council meeting Mayor Morgan announced that the city was settling the lawsuit with Judge Mayberry. He ended the announcement by accusing NSN of "committing literacy." We were tempted to ask if that would be anything like committing veracity but we didn't want to interrupt his denunciation; he was having enough trouble reading it off his little paper. He actually leaned over to John Butz for help in reading the 'literacy' part of his prepared speech, which makes us question whether or not the speech was written by the Mayor.

In case you weren't one of the standing-room-only-crowd at that council meeting, and also missed the replay on Channel 16, we have transcribed Joe's speech. This is the text (as verbatim as possible under the circumstances) of Joe's attempt to get up on his bully pulpit to condemn our use of the First Amendment. This is, word for mumbled word, pure Joe Morgan.

Mayor Joe Morgan on the settlement with Judge Mayberry - "I've got also a statement that I want to make on here.

When I took office about a year and a half ago, this was one of my priorities-to settle this matter. And I think it could have been completed year ago if this "No Standing

News" group had not become involved. They gave a false impression that they could intimidate this city council and...with... make....an excevert (?) by badgering 'em with their know-how...."Free Mayberry Now" letters. And uh this No Standing News tabloid...(pause for help) uh... literacy, I guess you would call it uh....uh is aggressively accesses blame and passes judgments on those in authority by innuendoes and half-truths and unqualified legal spec...uh...spec-a-lation. Uh, their interference in this has caused Mayberry at least a year of her pension in my mind."

The Rolla Daily News did a little front-page story: **"Resolution to dispute between city, retired municipal judge may come soon"** by Bill E. Morrison. In the last part of the article they covered Joe's speech but when Morrison quotes Hizzonor, Joe sounds like this:

"Rolla Mayor Joe Morgan told the Daily News that resolving this issue was one of his goals when he was elected. Further, Morgan said he believes "this settlement could have been completed a year ago if the No Standing News had not become involved. They gave a false impression to those involved that they could intimidate the city council by badgering them with their half-truths and accusatory style...Their interference in sensitive legal proceedings only adds to the confusion of such matters."

Much better. Isn't rewrite great? We were a little disappointed that Morrison didn't repeat the accusation that NSN had committed "literacy"-a classic Morgan-ism and one of our favorites. Morrison also left out the part where he said indignantly that NSN "passes judgment on those in authority." That was a very revealing complaint. Joe really believes that no one has a right to question authority-- particularly if **he** is the authority. How dare the lumpen proletariat question Hizzonor the Mayor! It's bad enough that Joe understands nothing about the law or public policy and has made no effort to learn since he was elected. He looks even worse when he proves in public what a bad sport he is.

Joe Doesn't Get It. "Passing judgment on those in authority" has been the daily occupation of Americans for 223 years. Not only do we have a constitutional right to do it, but at every election it is the civic duty of all Americans of voting age to go to their polling places where they officially "pass judgment on those in authority." If you find a community where no one is allowed to question "those in authority" - leave immediately. As for NSN's alleged half-truths? Well, we've heard that before but they have never accepted our invitation to be specific about exactly what we printed that wasn't true.

Since he brought up half-truths, let's look at Mayor Joe's half-truths on the Mayberry pension issue. The following are documented facts; facts are something Joe should check before he begins another diatribe. On September 23, 1997, Judge Lamb ruled that Judge Mayberry was as the law defined it, a "regular" city employee* and he ordered the city to pay \$10,089.59 to LAGERS and pay her \$278.50 a month in pension benefits. Instead of taking Judge Lamb's good advice the council decided to throw good money after bad and they paid John Beger to file an appeal with the Missouri Appeals Court, which he did on October 8, 1997. On August 29, 1998, ELEVEN MONTHS AFTER the appeal was filed and FIVE MONTHS after Morgan was elected, NSN ran the first article

on this lawsuit entitled "No Good Deed Goes Unpunished."** So much for Mayor Joe's 'facts.'

On the day of the circuit hearing in 1997, when Judge Lamb heard arguments from both sides it was obvious that something was wrong. After listening to a factual and compelling presentation from Kent Robinson, Judge Mayberry's attorney, Beger declined to present the city case in front of a courtroom packed with Rolla citizens. He submitted his rebuttal in writing. No members of the city council attended this public hearing. If they had listened carefully and objectively to both sides they might have learned enough to doubt the wisdom of chasing an expensive appeal of Judge Lamb's decision. Now that they are in imminent danger of getting another bad ruling they want to settle and withdraw the appeal before three more judges announce that they didn't have a case to begin with and have accomplished nothing but the waste of a lot of tax money. Between 1996-1999 the city spent over \$150,000 for "contractual and professional" legal services and expenses for this and other foolishness. **That tax money was just for the Mayberry suit, a sexual harassment suit they also lost, an EPA suit for not obeying an asbestos abatement order and John Beger's invaluable presence at council meetings.** And to think that Butz and Morgan try to claim that local attorneys won't bid for the city counselor contract because it doesn't pay enough. Local attorneys should start checking the city budget to see what Beger and Bushie are really knocking down. As often as City Hall fouls up, Rolla is a regular gold mine for litigators.

To examine the real motive for fighting this paltry little pension you have to go back and look at what was going on in 1986-'87. That's when Ed Owsley, Merle Strouse, Dan Murphy, Floyd Ferrell and a few council members were busy tearing down the checks and balances of city government - so they could run it more like a business than a government. Judge Mayberry thwarted their scheme to make the Municipal Court Clerk and the court fines and fees part of

Murphy's bogus finance department.*** She won; they lost and withdrew to lick their wounds. That wasn't their last attack on our court system during the next ten years but they made no progress while the Judge stood in their way. When she stepped down in 1996 after 21 years of service, denying her pension was their spiteful little payback.

Three years ago when they started this petty exercise, all but two or three council members either swallowed without question the one-sided story they were fed or they just didn't have the guts to challenge the "pack" leaders, Ed "The Kernel" Owsley and Strouse. The Beger and Bushie legal strategy was file, stall, **bill the city** and delay; file, stall, **bill the city** and delay - then settle just before the hammer falls. Looking busy is often mistaken for actually accomplishing something. Joe probably had no clue as to how weak their case was and how seldom the Court of Appeals have reason to overturn Circuit decisions. A big win for the city would have vindicated Joe's lack of action. Presiding over a settlement instead of a victory has left Joe out on a limb. The settlement is embarrassing so the Mayor had to find someone to blame for the delay and waste of money. NSN is his target of choice because we continually commit the ultimate Morgan crime--we dare to question "those in authority"--particularly his authority. We've experienced his temper before and we anticipate many more tantrums from Morgan as he continues to look for a scapegoat for his leadership failings.

Joe Morgan, has been Mayor for eighteen months and now at this late date he discloses that "settling this matter" was "one of his priorities." If this was one of his priorities why is this the first time we have heard about it? If he wanted the suit settled why didn't he advise the council to drop the appeal and settle eighteen months ago? So much for Joe's election "priority." On the other hand, if you believe his statement that the settlement was delayed only due to Mayoral pique over our criticism - it makes Joe look even more childish.

The Business "Cure." Whoever told Joe that he would be a fine mayor just because he's a businessman really sold him a bill of goods. We can just hear them selling him their usual recruiting line. "Joe, what Rolla needs is someone like you to take over and run this city like a business." This simplistic formula has long been the favorite fantasy of the armchair quarterbacks in the Chamber who have never held public office and know nothing about government. From their point of view it would really be swell if government was like a wholly owned subsidiary--just another business with a \$14 million cash flow that they could pluck at their convenience - "Deals Unlimited Inc." That's pretty much what they have already turned the city utility company into. There are some good business methods that can be used to produce more efficient and innovative government services. But those methods must be applied selectively and only by those who understand and respect the differences between the purpose of government and the purpose of a business. The purpose of a business is to get rid of operations that are not profitable. The purpose of government is to continue services people need or want for the common welfare regardless of profitability. In business, public disclosure of documents and financial records is unthinkable; in government, it's required by law. In business, the CEO can fire anybody; in government, the customers fire the CEO.

The Mayor's Accomplishments. Joe isn't the first "business" mayor or "business" councilman we've had who thought he could remake government to suit his own agenda. But so far he has been the slowest mayor to wise up and learn that there are definite rules and limitations that he can't tamper with. If he doesn't figure out the difference soon he has a rough two and a half years ahead of him. After eighteen months as Mayor these are his major accomplishments. Joe created and personally supervised the recreation committee that has produced most the expensive and unpopular project in Rolla's history. Joe has

publicly displayed his thin skin and bad temper at every opportunity and set a new standard for rudeness by an elected official. Joe has committed more violations of parliamentary procedure than any Rolla, mayor in decades and now he has advocated the passage of a retroactive tax, the most unconstitutional ordinance in memory. With a record like that you would think Joe would be ready to rethink their cherished business model. We will, however, give him credit for doing one good thing; Joe "The Business Mayor" Morgan has finally discredited the tired old myth that Rolla should be run like a business. Just look at the results.

Joe might as well face facts, if he doesn't start learning how to commit 'good government' we are going to keep right on committing 'literacy.'

*The city's contention was that Mayberry was a "part-time" employee and thus not entitled to pension benefits.

In an October 29, 1997, RDN article written by Bill Morrison, Judge Mayberry's attorney, Kent Robinson, explained that RSMo 70.600 defines a regular employee of the city as "any elected official of the political subdivision whose position requires his regular personal services." By this definition she was eligible for retirement benefits.

**Volume I, Number 7. Over her 21 years of service Judge Mayberry was available and on call 24 hours a day every day of the year with rarely a vacation. That works out to an hourly wage of about 56 cents per hour.

http://www.rollanet.org/~rwnash/NSN_1_07.html

*** Details in NSN Vol. 1, Art. #38 - "Caution, Illegal Government at Work."

http://www.rollanet.org/~rwnash/NSN_1_38.html

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