

# No Standing News

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

Volume I

Number 51

December 31, 1999

## Part Two of: "The End of Democracy as We Know It?"

### AND THE SPIN GOES ON...

Since the Rolla Daily News printed Mayor Morgan's letter to the Rolla City Council in which he begged them not to allow the public to vote on the Buehler Park sale, we don't have to reprint the whole thing here. Some of his more bizarre statements, however, beg for closer examination. <  
[http://www.rollanet.org/~rwnash/Morgan\\_ltr.htm](http://www.rollanet.org/~rwnash/Morgan_ltr.htm)  
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We are surprised to learn from the Mayor's letter that a referendum on the Buehler Park sale will set loose many evils upon his innocent flock. He says letting the public vote will: *"set a dangerous precedent"*, and *"undermine our decision-making ability and undermine the powers delegated to elected officials from the Constitution and from the electorate."* Personally, we believe the Constitution is sturdy enough to survive an occasional expression of the public will, but the Mayor, having only recently discovered this document, doesn't share our faith in it. Morgan is surprised that the council acted so quickly to *"resolve this matter by a referendum"* and scolds them for shirking *"their duties as elected officials in a representative democracy."* This is strong stuff coming from a man who thinks Robert's Rules is a board game. The mayor then does a flip flop and tells them we are not a democracy (as he said we were in the previous sentence) but claims we are a republic in which the council should listen to the "citizenry" but then do what

they want regardless of public opinion. (For "do what they want" read "do what the Mayor and the Chamber want.")

**We Are NOT a Democracy?** Well Joe, make up your mind. Are we a democracy or a republic? Do you know the difference between the two? Do you know if there IS a difference between the two? If we are the kind of autocratic republic you claim we are, didn't the council just take the decision *"into their own hands"* exactly as you said they should, and didn't they decide they wanted to let people vote on the sale of the park? Yes, they did; you just didn't like the decision they made. Pardon us while we snicker, but Joe and/or his ghost writer haven't the foggiest idea of the meaning of the terms they are slinging around with such abandon. Here's Joe again: *"We are not a democracy governed by popular rule. We are a republic which places our decision-making authority in the hands of the elected body who represents our collective interests by listening to the citizenry but ultimately voting their conscience."* Pow! Bam! They watched the same Batman movie we did. Someone is trying to make a "republic" sound like an alternative form of government to a "democracy". This Republic vs. Democracy thesis complete with flawed definitions has been seized as a central theme by the "Sell the Park" crowd. They have no idea what they are talking about but they are gambling that most of you don't know the difference, either. They hope you will be as impressed when you read their flowery rhetoric as they were when they made it up. For the record (and we admit we had to look it up,

but at least we DID look it up), Black's Law Dictionary says a Republic is, "A commonwealth; that form of government in which the administration of affairs is open to all the citizens. In another sense, it signifies the state; independently of its form of government." Black's says a Democracy is: "That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy." Thus, the United States is a republic (or state) with a democratic system of government. Some other country might also be a republic but with a parliamentary form of government and so on. The definitions used in the mayor's letter (coincidentally, a similar theme was used during the Jones-Harvey Comedy Hour on Friday), were invented out of ignorance born of desperation. After dishing up this tripe the Mayor had the gall to point the finger at others whom he accuses - in advance - of circulating "misinformation and hearsay" and he is concerned about the "further politicizing" of this issue. Big Lies are still alive and well in city hall. This one is called the "Preemptive Strike Lie."

They have, as Joe says, *"struggled with this issue for more than three years."* By "they" he doesn't mean he and the council. The "they" who have been struggling are Morgan, Buz Harvey and Ed Owsley. "They" have been struggling about how "they" could get this long-delayed Chamber land bailout pulled off without being publicly skinned alive again by either the public or the council or both. Joe's problem is that "they" had a strategy all worked out to stampede the council into a Sell the Park vote and it seemed to be working until the council bolted in an unexpected direction. The Plan, (before the council pulled the rug out from under them) was to lock the council into a complicated bid process. This would bury their attention in piles of paper for several token meetings while they chewed over the tedious details of whether to sell or lease the park and the relative merits of the bidders if, in fact, more than

one bidder turns up. In the process of chasing all these little red herrings the council would eventually tire of the whole thing and vote to sell it to somebody--anybody -- just to be rid of the issue. This bogus exercise was designed to distract them from the questions they should have made the mayor answer in the beginning. The questions the mayor prays the council never nails him with are these: *"Why should we sell this or any other park? Why does the Chamber always have it's hand in our pocket and why have you brought this up when we told you shortly after you were elected we didn't want to open this can of worms again?"*

Joe does confess that he intends to spend the park sale money on the Forest Service property *"as a more secure and safe park in the general vicinity of Buehler Park."* He couldn't avoid admitting it after Buz let the cat out of the bag last Friday on KTTR. He says he proposed that one *"possibility"* only as a way *"to ensure the proceeds of the Park remain in park improvements."* The park improvements he's referring to are the ones on the land he means to buy for the Chamber so they will at last have land under their building. He keeps pretending that putting the sale proceeds into the Park fund is some kind of gracious concession to show how trustworthy he is. Three of his exaggerated sample ballot questions have that proviso. The fact is he doesn't have any choice in where the money goes or what it is spent on. The law requires that all proceeds from the sale of any public parkland or equipment must be deposited into the Park Fund Account. Park funds can only be spent on park facilities and improvements and nothing else. The mayor is just making a virtue out of a necessity so it isn't necessary for the council to include his great concession in the ballot question at all. Regardless of how the ballot question is finally worded, the questions voters will be asking themselves are these: Should Buehler Park be sacrificed to appease the Chamber? Why can't they pay for their own land with the tax money we already give them? When

the historic Civil War site on the Chamber property is buried under their proposed parking lot, visitor potties and picnic tables, just how will the rest of us be better off?

**Council 5, Mayor 0.** It was a delight to see the council, for once, outsmart Joe and Buz when they ducked the Mayor's hot potato with the referendum decision. They weren't stupid enough to let him hang this albatross around their necks right at the beginning of the council campaign season. Now, if they knuckle under to the pressure from Joe and the Chamber at the Monday night meeting and reverse their decision to let the public vote, that will make the Mayor and the Chamber happy but the council will make themselves look like Chamber flunkies. The only reward they will get for abasing themselves to the Chamber will be the dubious privilege of trying to explain their vacillation to relatives, friends, neighbors and co-workers. What a treat that would be!

In his letter, Mayor Morgan makes the council decision about how the ballot question should be worded sound like an insurmountable task. He offers several examples most of them heavily slanted and designed to get a "YES" from the unwary voter. One of his best when-did-you-stop-beating-your-wife examples is this one: *"Shall we sell Buehler Park, a three acre remnant of land donated to the City by the Chamber along an extremely high volume arterial road to \_\_\_\_\_ for \$\_\_\_\_\_ and dedicating the proceeds to the purchase of a replacement park to be named Buehler Park?"* Bad grammar aside, they had better be very careful about using loaded questions like this one on this or any other ballot question. There is a state law which directs that the official statement on a ballot issue, **"shall contain no more than fifty words"** and orders that, **"The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the**

**proposed measure."** If the Mayor and attorney Beger get cute with the ballot wording they could land the city right in the middle of another lawsuit. The ploy of hinting that his new "Chamber of Commerce Park" will be named Buehler Park insults everyone's intelligence. Such pandering is not worthy of comment.

**Quick, Sell It Before the Judges Stop Us!** Speaking of lawsuits, we wonder when Morgan, Butz and Beger are going to let the council in on the dirty little secret they have been keeping about the Buehler Park appeal. In our weird and wonderful American court system, lawyers can skin the same dead cat several times and the Buehler Park appeal is not yet as dead as they wanted everyone to believe. **Oral arguments on the bond forfeiture are scheduled before the Southern District Court of Appeals in Springfield, Missouri at 1:30 PM, Jan. 4, 2000, in the John Q. Hammons Office Building, 300 Hammons Parkway, 3rd Floor.** Everyone is welcome to attend. After this oral presentation, the decision could take several weeks or several months. During the oral argument about whether the \$40,000 citizens bond should be forfeited, certain questions about the park deed restriction may be examined by the Appeals Court which were not looked at in the previous hearing! This is why the Mayor and Chamber are in a panic to get a bill of sale signed quickly. They want to get their cash before the court comes up with a new legal wrinkle, which might prevent them from EVER selling that property. Was the entire council advised of this new development when, in September, the plaintiffs filed their response to the city's June 25, 1999 motion for damages against the bond, or were just the favored few council members clued in? If some or all of the council were kept in the dark, it puts a nasty light on the mayor's closing appeal to the council that, *"we proceed with the acceptance of Proposals for the development of Buehler Park in an open and upfront manner having learned from past mistakes that public disclosure and honesty is all that is needed to*

*retain the confidence of our constituents.*" We are appalled to hear such bald-faced hypocrisy coming from the same source that produced all the bait-and-switch tactics used on the recreation center. Only sheer desperation or a sudden religious experience could have produced such a pretense of virtue from "Upfront" Mayor Joe. We'd put money on sheer desperation. Buz Harvey was positively frenzied when he talked about the referendum decision on the radio Friday. The question is - what is making them so frantic?

Coming in Part Three: **The Letter That Resurrected the Greedy Beast.**

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