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COMMENTARY

Donn Esmonde: Judge rules in favor of democracy

Donn Esmonde

Updated: 10/08/08 7:31 AM

There was no brass band playing a John Philip Sousa march. There was no rousing rendition of “The Star-Spangled Banner” blasting over the courtroom public address system. No spectator sprung to his feet and warbled “O beautiful for spacious skies.”

All of which was too bad.

A display of patriotic fervor would have fit Monday’s mood. Despite the efforts of those protecting the political status quo, democracy won. To the dismay of Board of Elections commissioners Ralph Mohr and Dennis Ward, two guardians of oversized government, the people prevailed. To the irritation of politicians who think that taxpayers serve them (instead of the other way around), the Constitution was upheld.

Judge Joseph Mintz ruled that folks in West Seneca can vote on whether to cut the Town Board from five members to three. The push is part of a county-wide crusade by civic leader Kevin Gaughan to downsize local government. The ruling upheld petitions signed by thousands of folks in West Seneca to put the cut-the-board question on the November ballot. The Town Board had previously refused to do so.

The town’s lawyer and a Board of Elections attorney tried to get the petitions tossed out on a technicality. Judge Mintz drop-kicked their argument out of the courtroom.

Roll over, Thomas Jefferson, and tell George Washington the news.

The judge ruled that the will of the people matters more than the self-preservation instincts of politicians. I had never before seen the lean, gray-haired Mintz in action. But he impressed me as a guy who, unlike some of his berobed brethren, keeps politics out of the courtroom. He was fair, he was firm, he was folksy — at one point wryly doubting that a long-winded lawyer could keep his promise of brevity. If they filmed this thing 50 years ago, Spencer Tracy would have played the part.

There should have been a brass band backing Mintz as he concluded, “A technical application of the Election

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Law [to nullify the petitions] would only discourage or defeat the rights of citizens to petition their government . . . [That right] is central to the operation of a democracy and is woven into the fabric of our laws and our Constitution . . . The matter can indeed be placed on the ballot.”

Petitions are supposed to be a way for the will of the people to be heard. The mere thought of that spooks the political- establishment herd. So they make the petition process so complex that even Stephen Hawking would throw up his hands in frustration. Petitions get tossed out for reasons ranging from a misplaced word to the wrong color of paper. It is yet another way that career politicians rig the system to discourage “outsiders” from running for office or pushing for change.

Gaughan and a platoon of West Seneca volunteers— most of them senior citizens — got more than enough signatures to put the downsizing question on the ballot. So guardians of bloated government went after the petition’s wording. It was another sign of the lengths that politicians go to cover their flanks, to protect their jobs, to deny the right to be heard to the people they supposedly represent.

Unless Town Board members figure out another way to silence the folks who pay their salaries, people in West Seneca will vote on the downsizing by Nov. 17.

Score one for We The People.

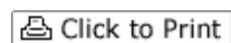
“People can petition government to change, even when politicians don’t want it to,” said Gaughan, the downsizing Pied Piper who in the past year took his case to each of the county’s 41 town and village boards. “Government should work for the people, not against them.”

Government of, by and for the people. I think I have heard that phrase before.

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