

## EX ALDERMAN NEWSLETTER 53

May 29, 2012

By John Hoffmann

### **MAYOR DALTON BEING SUED FOR EMINENT DOMAIN CASE INVOLVING WIDOW**

**OPAL HENDERSON:** I have been reporting since 2008 how Mayor Jon Dalton, who was behind a group of investors who used eminent domain to get a junkyard from a widow along South Broadway. The junkyard had been in business since 1948. Dalton set up Icehouse Redevelopment District, LLC in 2004 and was on its board of directors. He also set up the Brio Group another investor into the district along with Disper-Schmitt.

The junkyard was owned and operated by Opal Henderson. It was wanted for a parking lot for the nightclub area.

In 2008 Dalton's law firm... Lewis-Rice represented the St. Louis Land Authority in obtaining eminent domain seizure of the property for \$388,000. Henderson had originally wanted \$2 million for the property and business and was fighting to keep her business.

Attorney Chet Pleban represented Henderson and sued in St. Louis Circuit Court. In 2010 a jury reached a verdict against the City of St. Louis and the investors in awarding Henderson \$1,009,000. The city and investors appealed. In late November of 2011 the Missouri court of Appeals found for Henderson and awarded her additional interest, bringing the bill to \$1,018,000.

At the end of March Henderson still had not been paid. Pleban held a news conference and filed suit in Federal court.

In the lawsuit Jon Dalton is named as a defendant.

Pleban told me that all of Dalton's investment groups on the nightclub district project did not have enough funds to actually start construction, but they went ahead and took Henderson's business and property.

People like to tell me or their friends how stupid I was to run against Dalton for mayor in 2009. I waited until the filing deadline. No one stepped up.

To my dying days I will always wonder how a person who is sued three times between 2000 and 2006 by well known local companies for failure to pay bills, is a tobacco lobbyist, worked for the city's largest contractor (fire district) without informing the public and someone who uses eminent domain to steal property from widows and then refuse to pay her the court judgment...could be elected and reelected mayor.

Here is the link to a column I wrote for the Chesterfield Patch;

<http://chesterfield.patch.com/articles/west-county-big-shots-still-have-not-anted-up-to-widow-in-eminent-domain-case>

**Topping and Manchester LOOK FOR A HUGE COMMERCIAL DEVELOPMENT:** An article in the May 18 edition of the Webster-Kirkwood Times spells out that a retail, hotel and multiple family high density housing is on the planning boards for the corner of Des Peres Road & Manchester and Topping Road. Property owners, Commercial Property Development propose building a seven-story hotel, 316,000 sq feet of condos and apartments, 66,000 square feet of office space and 30,000 sq feet of retail and restaurant space. The development called the Quarry, is actually on top of an old quarry. It is located in unincorporated St. Louis County.

For years while the quarry was being filled in there was a trailer of the lot where one registered voter lived. He had the ability to defeat any annexation attempt made by either the cities of Des Peres or Town and Country. The trailer is now gone.

Des Peres is upset about the project claiming it will affect Des Peres streets and traffic. Fire and EMS protection would likely be provided by the West County EMS & Fire Protection District under a contract with the land owners. Currently the land is not in either a city or a fire district, but there is a contract to provide emergency services for the undeveloped property with WCEMS&FPD. That contract would have to be renegotiated with the fire district if it was developed.

Here is a link to the recent article:

<http://www.websterkirkwoodtimes.com/Articles-News-i-2012-05-18-180420.114137-Retail-Restaurants-Hotel-and-Office-Target-Manchester-At-I270-Area.html>

**TOWN AND COUNTRY CROSSING WANTS NIGHT SPOTS:** An article in the Town & Country-Manchester Patch ran last week talking about how the management at Town and Country Crossing is going to a convention in Las Vegas to look for tenants to fill the half empty Town and Country Crossing. The article implied the new owners, Ramco-Gershenson, would be looking for some tenants to provide "nighttime entertainment."

<http://townandcountry-manchester.patch.com/articles/town-country-crossing-still-has-vacancies-after-four-years#c>

City Hall has always put a positive but false spin on Town and County Crossing. Using square footage they claim the place is over 50% full. But the entire project has not even been built yet, due to a lack of interested businesses. There are currently 15 empty store fronts with several more on the brink of being shuttered. Eugene's Custard immediately comes to mind. Eugene's closed "for the winter" in mid fall and has not yet reopened. Schools let out for summer recess last week.

The city has never had a specific number of liquor licenses. The number raises and falls. This way the city can say it has no available liquor licenses if a strip club wants to locate in town, but the city will issue a new liquor license if a nice restaurant is the applicant. This is basically an unfair and possibly illegal way to keep riff-raft out of the city.

So what kind of night spots are you going to find at a convention in Las Vegas? The area's upscale clubs like Finale and even bars and restaurants that featured jazz have been closing up since 2007. Kirkwood has seen the Kirkwood Brewery and One-19 both offer some music that goes as late as 11.

Other than that it's going to Soulard, Laclede's Landing or the CWE where you can find music in town. The Ritz has music until 12:30 on Friday and Saturday nights. On the other end of the scale so doe Fast Eddies! Most other places are restaurants that have some music a few nights a week until 11. The casinos have been cutting back on music since 2010.

The danger of this move by Town and Country Crossing is that a couple of night spots sign leases; offer some high quality sophisticated music and don't draw crowds. So in mid lease they change the music format and suddenly the parking lot is full of loud, drunk younger people, while Hip-Hop blares from a store front.

Mayor Dalton thought he was an expert at nightclubs when he formed the Icehouse District. The problem for the mayor out here in Town and Country there are not any widows with successful businesses that he can steal using eminent domain.

### **AND NOW THIS FROM THE DEER FRONT:**

A regular reader sent me this piece in of all things, The New York Times on the importance of Deer Management. If you wonder why you are not see song birds around the house or during your walk in Queeny Park...here is why.

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Metrosexual Abe for the win!

VOTERS, MAY 13-19, 2012

# Why Bambi Must Die

By Daniel Cristol

WILLIAMSBURG, Va. THIS month is the peak of spring bird migration, when New Yorkers flock to Central Park, craning their necks to catch a glimpse of refueling warblers.

But the treetops hold fewer feathered gems each spring, to the point that a typical middle-aged bird-watcher now feels triumphant upon seeing a single bay-breasted or Canada warbler, two of the dozens of disappearing species common in our youth.

Humanity's assault on migratory birds includes a familiar litany of human-made perils — clearing of forests, predation by cats and poisoning by the toxic byproducts of agriculture and industry. But one of the biggest contributors to the decline in migratory bird populations has gone largely unnoticed: white-tailed deer.

By 1900, deforestation and unregulated hunting had reduced deer populations in the Eastern United States to tiny remnant clusters surviving in remote sanctuaries. But subsequent protective laws and aggressive habitat management allowed deer to bounce back.

To this day, wildlife managers slice intact forests into sunny woodlots that maximize the number of deer and the frequency of encounters between deer and hunters. Private landowners are encouraged by wildlife agencies to criss-cross their forest acreage with tasty plantings of clover and wheat in support of what is now a burgeoning population of perhaps 50 million white-tailed deer — in some places as many as 75 deer per square mile.

For some, such an abundance of wildlife might add excitement to a Sunday drive or backyard nature adventure. But most of us have become all too aware that there is a downside to having so many hoofed neighbors in the form of

disease-bearing ticks and front-end collisions.

Less appreciated, though, is how these millions of deer are quietly eating every palatable leaf within their reach across the eastern forests of North America. That's very bad news for migratory birds.

Migratory warblers generally feed in the treetop canopy, but many treasured species — worm-eating, Kentucky and

able: There are too many deer, and they are endangering the rest of our flora and fauna, including valuable timber and invaluable songbirds.

The typical solutions, like bringing back mountain lions and wolves to control deer, are no longer an option in most places, in part because of the forests' proximity to humans. Deer hunting has lost its appeal for many younger Americans, and the population of new hunters in the East is most likely declining faster than the threatened cerulean warbler.

Nevertheless, the good news is that this is a problem we can fix — and fix quickly.

One easy step is to fence off select sections of the woods, creating deer-less oases. Researchers in Virginia and Pennsylvania have successfully fenced deer out of small forest plots, demonstrating that although deer severely alter the structure and composition of deciduous forests, vegetation and birds come roaring back when deer are excluded.

Fencing, however, is expensive, especially on such a large scale. An even easier solution is to go back to the source of the problem: stop managing our forests for deer.

Those early 20th-century strategies are a great conservation success story, but perhaps too much so: the deer are now being managed to the detriment of the rest of the ecosystem.

We need to seek balance and manage public land for fewer deer. Reducing deer numbers will mean healthier forests, fewer ticks and more warblers each May.

## Deer overpopulation is ruining migratory bird habitats.



KELSEY DAKE

hooded among them — hide their nests in dense vegetation on or near the ground. Deep in the woods, buffered from suburban predators and rural pesticides, warblers should be able to nest in peace. But they can't do so when hungry deer have demolished the forest understorey.

Take a quick drive through forested terrain and see for yourself the stark browse lines, missing orchids and denuded shrubbery. The conclusion is inescap-

### NOTE TO READERS

The Sunday Review section and the Op-Ed page (Monday through Saturday) welcome unsolicited manuscripts sent to [oped@nytimes.com](mailto:oped@nytimes.com). We regret, however, that because of the volume of submissions, we cannot reply to all messages. If a manuscript is accepted for publication, the author will be notified within three business days.

Daniel Cristol is a professor of biology at the College of William and Mary.

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**NEW SECTION OF CLATYON ROAD COLLASPES AFTER WATER MAIN BREAK:**

In case you didn't notice, a new section of Clayton Road early on the Memorial Day weekend collapsed. The section was the westbound section of road east of Topping near Town and Country Lane.

I emailed Public Works Director Craig Wilde who reported back that it was a water main break and had been patched. Craig was unaware over the weekend that the patched section had collapsed. There was only one cone in the collapsed area. Craig had the police put more cones out.

On Tuesday the road had not only "not been repaired," it was getting worse. I spoke to Craig about it Tuesday night at the BOA meeting. He said American Water had not been returning his phone calls about it and thought the repair of the failed repair might take longer than "sooner."



**MY TRASH CAN OVERFLOWITH:** I noticed before Mother's Day weekend the city failed to empty already full trashcans in Drace Park prior to the weekend leaving overflowing and stinky trashcans.

It was the same for the Memorial Day weekend. The trash can in front of the playground area was overflowing on the Thursday before the weekend, mostly with bags of dog poop. It was worse on Sunday. I did notice that the trashcan was finally emptied on Memorial Day. Why this is such a challenge in 2012? I don't know, but we do have new weekend people in the parks and a new fulltime grounds worker in 2012.



**GANGS OF TOWN AND COUNTRY:** The newest member of the Gangs of Town and Country, Dr. Abid Nasir pled guilty in Federal Court last Thursday for Buying Misbranded (non approved FDA cancer drugs) Drugs.

Nasir who lives in the house the size of a Mariette Hotel at 13300 Thornhill Drive, received two years probation, that includes serving 200 hours of community service. As part of the plea agreement Nasir is also paying back to the Federal government \$1,000,339 he overcharged Medicare and Medicaid for the misbranded drugs.

Nasir's medical license to practice in Illinois has been suspended. The Missouri Board of Healing Arts, famous around the country for not taking action against doctors, has not issued any sanctions against Nisar as of yet.

**FIREHOUSE RELOCATE:** The first estimate for the remodeling job at the T&C Firehouse was "Three Months." On Tuesday night at the Board of Alderman meeting the language for the \$1 lease (now changed to "license) to use the old Missouri Highway Patrol building's basement garage, plus two trailers for living quarters as a temporary firehouse was increased from June 15 to November 15. This change was made according to the PW Director Craig Wilde to be on the safe side in case there were problems with the remodeling job. The Highway Patrol building is now owned by BJC/Missouri Baptist Medical Center.

**CAR GRADES...We give grade to local politicians based solely on the cars they own:** We originally wrote this piece for the Chesterfield Patch, which will run the piece later this week. We retooled the piece and included some Town and Country grades also.

## **Car Talk...We Grade Politicians and Their Cars**

**It used to make a difference as to what kind of cars an elected official drove, not so much anymore.**

By John Hoffmann

When I was a police officer in Liberty Missouri, my partner's mother-in-law ran the local office for a very unusual person. Tom Coleman was a Republican U.S. Congressman for northwest Missouri. The district included the then very Democratic counties of Clay and Platte, which also represented the majority of the votes in the district.

Every two years, my partner's wife would run the reelection campaign headquarters. My wife and I would often help out. The best job was that of seat fillers at campaign fundraising dinners at hotels. Usually they couldn't sell out all the tables, but always wanted to have the appearance of a sold out event. We would fill tables in the far back of the room; get a free meal for the price of politely clapping for a big wig Senator, Reagan cabinet member or Vice President Bush when they gave their speeches.

There was one rule to follow if we helped out by driving staff members of the guest of honor, especially the vice-president's staff; we were to use only American brand cars.

There was a story how a popular local Democratic candidate showed up at a fundraiser driving a Volvo. After that he never had a chance. In Clay County there was a Ford assembly plant and in nearby Kansas City, Kansas there was a Chevrolet plant. American cars were a requirement for all politicians regardless of their party.

Twenty five years later I think that rule may have changed, especially with Honda, Toyota and even Mercedes Benz having American plants.

I have developed my own politician grading system. I don't care what kind of car you buy. But if you are an elected official and are spending \$80,000 or more for a car I have to question your judgment when it comes to watching our tax dollars. I'd much rather see someone driving a \$50,000 sports car than a \$100,000 Porsche or BWM. You get extra points if your "foreign" car was made at an American car plant.

So I have checked the car ownership of local politicians and candidates and graded them giving credit for buying sensible cars and lower grades if their cars seem to be more ego driven.

**Sen. Claire McCaskill B** Claire should get an A, if it wasn't for the fact that no vehicles are actually registered in her name or her multi-multi-millionaire husband, Joe Shepard's name. Whatever Shepherd is driving isn't even registered to their Kirkwood address. Finally I think Claire is driving a 2010 Buick Enclave. This is good as it is an American brand. It is also a Buick, a popular brand with older voters, who are most likely to vote. Claire gets points off because the car is leased. Claire grew up in rural Houston and Lebanon, Missouri, but it sure would look better if her car was in her name, like most of the rest of us.

**Todd Akin A-** Congressman Akin, is the local candidate in the Republican Primary for senate. All of his cars are registered in his name. His vehicles include a 1994 Ford van, a 1999 Ford Explorer, 2001 Toyota Corolla, 2002 Chevrolet Blazer and a 2005 Mazda 3. The 2001 Toyota Corolla was made in the US. Mazda 3 was built in Japan, but is the low end economy car. Also in 2005 Ford Motor Company owned 33-percent of Mazda. Akin would have been gotten an A grade, but his Mazda 3 was made in Japan and an 18-year Ford van cannot possibly be cost effective.

**Ann Wagner A** Wagner, a Republican fundraiser, former Ambassador to Luxemburg and top candidate for in the Republican primary for the Second Congressional race is All-American when it comes to cars. She and her husband have a 1999 Jeep Cherokee and a 2008 Cadillac STS.

**Harold Whitfield A** Whitfield is the top contender on the Democratic ticket in the Second District. The 73-year-old Kirkwood lawyer is also an All-American car owner. Whitefield and his wife have a 1999 Cadillac Escalade, a 2002 Cadillac Deville and a 2002 Jeep Liberty. Sure he has two Cadillacs but when you are successful and in your 60s or 70s it is either a Buick or a Cadillac if you are a regular guy. After all his newest car is 10-years-old.

**State Sen. Jane Cunningham C** Jane has a 2001 Jaguar and a 2002 Chrysler Sebring. In 2001 Jaguars were known as British Fords. Prior to Ford buying the company (Jaguar was later sold by Ford to a company in India) the make was famous mechanical problems. Also repairs and routine maintenance on Jaguars tend to be expensive. The 10 year-old Chrysler helps keep Jane from being marked farther down.

**State Rep. Cole McNary B** McNary, the current state representative and candidate for state treasurer, owns a 2000 Infiniti 130, a 2004 Honda Odyssey and a 2007 Saturn Ion. The Infiniti kept McNary from getting an A. The Honda Odyssey for several years was the top rated mini-Van for safety and dependability. The Saturn in 2007 was a good buy in an American car. But the Infiniti was made in Japan. The other troubling thing is the

Infiniti 130 is basically an overpriced Nissan Maxima with some expensive bells and whistles.

**State Rep. John Diehl C-** Diehl is running unopposed again, but after 2012 his new district will include the eastern section of Chesterfield. Diehl owns a 2003 Jeep Wrangler, a 2006 Mercedes Benz S430, a 2007 Acura MDX and a 2008 Ford ½ ton pickup truck. If you own a Mercedes and an Acura you are not a regular guy. The Acura MDX is an overpriced Honda Pilot. However it does have heated seats for the driver and the passengers. The Mercedes S430, made in Germany, has water sensing windshield wipers for the man too busy to see that it is raining and turn on the wipers. It also has “self closing doors” for the busy person who doesn’t have the time or energy to shut a door.

## **COUNTY GOVERNMENT**

**Charlie Dooley A** We are guessing the County Executive Charlie Dooley has a county vehicle assigned to him, because he only has one vehicle listed owned by him on the tax rolls. That car is a 2009 Chevrolet HHR, a low cost, fuel efficient automobile.

**Colleen Wasinger A** The County Councilwoman for West County as only a 2006 Jeep Commander listed to her.

## **WEST COUNTY EMS & FIRE PROTECTION DISTRICT:**

**Richard Rognan: B+** The director of the union controlled fire district is all American. He owns a 2010 Chevy Equinox and a 2010 Lincoln Navigator. The Lincoln might explain why the fire District is buying \$250,000 ambulances instead of the normal \$100,000. In other words a Ford Expedition is the same as the Lincoln Navigator, same lousy gas mileage, unneeded bells and whistles and is tens of thousands of dollars cheaper.

**Matthew W. Miller: A** Miller has a 2005 GMC Yukon and a small Jeep Wrangler; All American and only one gas guzzler.

**Robert Levine A** Levine owns 2004 Ford Focus and a 2006 Honda Civic. American made and low cost. How did this guy ever allow three \$250,000 ambulances?

## **MONARCH FIRE DISTRICT**

**President Kim Evans B+** The Fire Board's leader has a 2008 Nissan Rogue, the lowest priced of Nissan crossover SUVs. The car was made in Japan otherwise Evans would have had an A. This is a sensible car.

**Robin Harris B-** Harris, an airline pilot has a 1989 Buick Park Avenue, a 1998 Jeep Cherokee, a 2002 BMW 330 CI and a 2004 Jeep Grand Cherokee. Geez, a 1989 Buick! A 23-year-old car, but the made in Germany BMW dropped Harris' grade a notch.

**Steve Swyers D** The St. Louis area mover and shaker has a motor vehicle fleet that is clearly out of the "average Joe" league. Swyers owns a 1999 Mazda 626, a cheap economy car. But the 2003 Infiniti Qx4, is a grossly overpriced Nissan Pathfinder. That was made in Japan. Next is a 2007 Mercedes Benz convertible followed by a 2008 Mercedes Benz E350. The last of the Swyers' fleet is a 2009 Chevrolet Tahoe. The Tahoe and the Mazda is all that keeps Swyers from getting an F for politician car ownership.

## **TOWN AND COUNTRY BOARD OF ALDERMAN**

**Mayor Jon Dalton D** A 2004 Jeep Grand Cherokee is good for an American politician. The 2008 BMW sports car is bad. The 2010 Audi that he is leasing is even worse.

**Lynn Wright D+** The Wrights don't have an economical or American car in the motor vehicle fleet. Hey have a 2001 Lexus (overpriced Toyota), 2008 BMW, 2008 Toyota 4-Runner, 2009 Toyota 4-Runner (both 4Runners are made in Japan) and a 2007 BMW motorcycle.

**Richard "Skip" Mange B** Skip has a 2005 Chrysler Town and Country van and a 2007 Lexus (overpriced Toyota). Skip get extra points for having a vehicle with the same name of the city. He should be at a C with an overpriced Toyota.

**Tim Welby D** The Welbys are clearly part of the NEW RICH. Are they trying to impress people with their cars? They have a 2001 Mercedes sedan and a 2006 Mercedes convertible. They can't afford a new Mercedes, but instead of having a newer car they would rather have a Mercedes "pre-owned" model. Tim avoids a F with the family Oldsmobile Van.

**Chuck Lenz C** Just two cars...a 2010 Lexus (overpriced Toyota) and a 2010 Toyota 4Runner. Chuck avoids a D by not owning a BMW or Benz.

**Fred Meyland-Smith D-** A Lexus and a BMW. Enough said.

**Guzzie Crawford A** Gussie owns a 1983 Datsun and a 2007 Dodge Caravan. How do you take off give points for someone who owns a Datsun!

**Phil Behnen C** Phil gets the only C grade for a guy who owns only American cars. Phil has a 2006 Hummer, a 2010 Chevy Camaro and a Buick Enclave SUV. I own a lot of oil company stocks and should give Phil extra points...but really a Hummer and a hot Camaro. 10 mpg would be a mark to shoot for with these cars.

**John Benigas C+** A 1996 Lexus and a 2002 Lexus. They might be overpriced Toyotas, but they are old overpriced Toyotas. At least Benigas is driving them until they drop and knows how to get the most out of a car.

### **CHESTERFIELD CITY COUNCIL**

**Mayor Bruce Geiger D** Mayor Geiger likes to spend money. Instead of a Toyota or a Nissan, he owns a 2005 Lexus RX330 and a 2008 Infiniti 635. ,

**Mike Casey D** Casey owns a 1989 BMW, a 1990 BWM and s 2002 Audi. The good thing is he doesn't waste money on buying a German import every other year, more like every decade.

**Randy Logan F** Unlike most of us, councilman Randy Logan does not own any cars. However the high end scrap metal company he and his business partner, Josh Wallach, have four cars registered to Wallach Trading Company on Swingley Ridge. I'm guessing two of these belong to Logan. I saw him drive into the rear parking area before a Council meeting once in a sports car, but it was dark and the car was going too fast for me to tell the make. Here are the cars owned by the company and I don't think any of them are used to haul scrap metals: 2008 BWM M5, 2009 Audi A6, 2010 Infiniti Q56 and a 2011 Audi Q7.

**Elliot Grissom D-** A 2007 Lexus 350 and a 2010 Mercedes Benz...at least they are registered in his name.

**Barry Flachsbart B-** The longtime councilman has a 1999 Mercedes Benz, a 2003 Honda Van and a 2005 Honda CRV. Two sensible cars and one not so sensible car!

**Matt Segal B-** Much like Flachsbart, Segal has two sensible cars in a 2009 Accord and a 2011 Toyota Van. The 2004 BMW lowers the grade on our politician's curve.

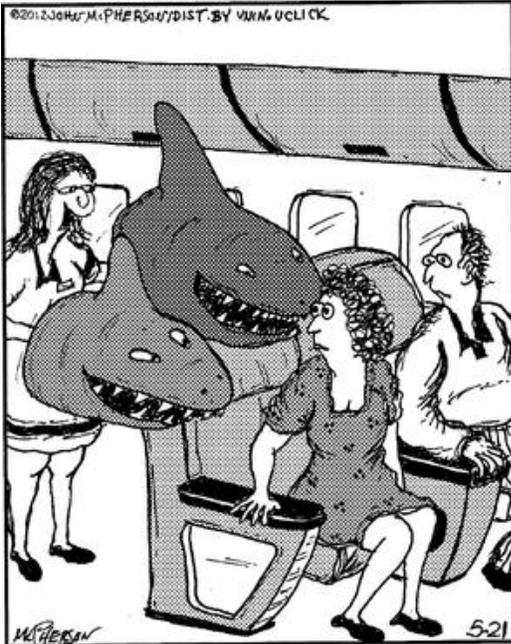
**Bob Nation B** Nation has a 2002 Lexus and apparently wised up in 2006 when he bought a cheaper Toyota.

**Derek Grier A-** Grier's modest 2003 Mazda earns him a high mark.

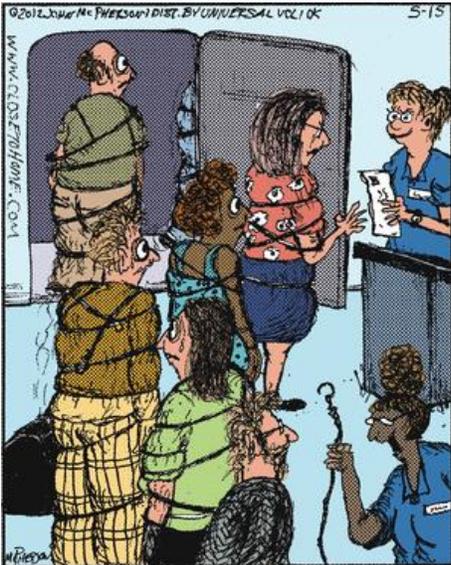
**Connie Fults A** Fults owns a 2005 Ford Taurus and a 2007 Chrysler Pacifica. Sure the Pacifica is a gas guzzler, but it is an American gas guzzler.

**CARTOONS:**



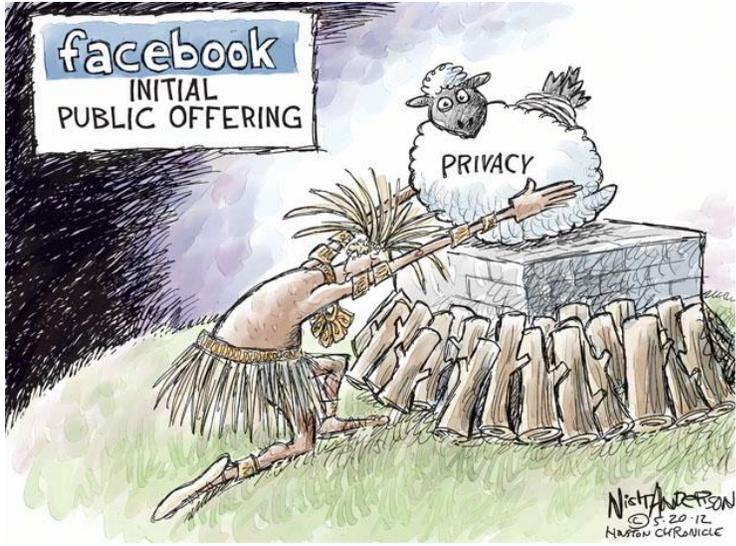


“Since you folks are in the emergency seats, you need to show me that you can repel sharks by punching them in the nose.”

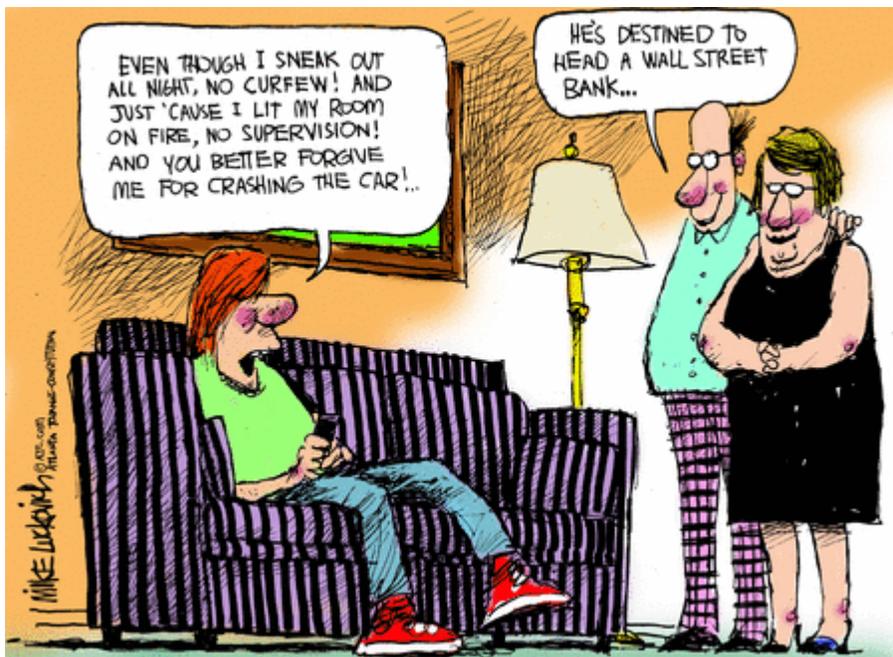
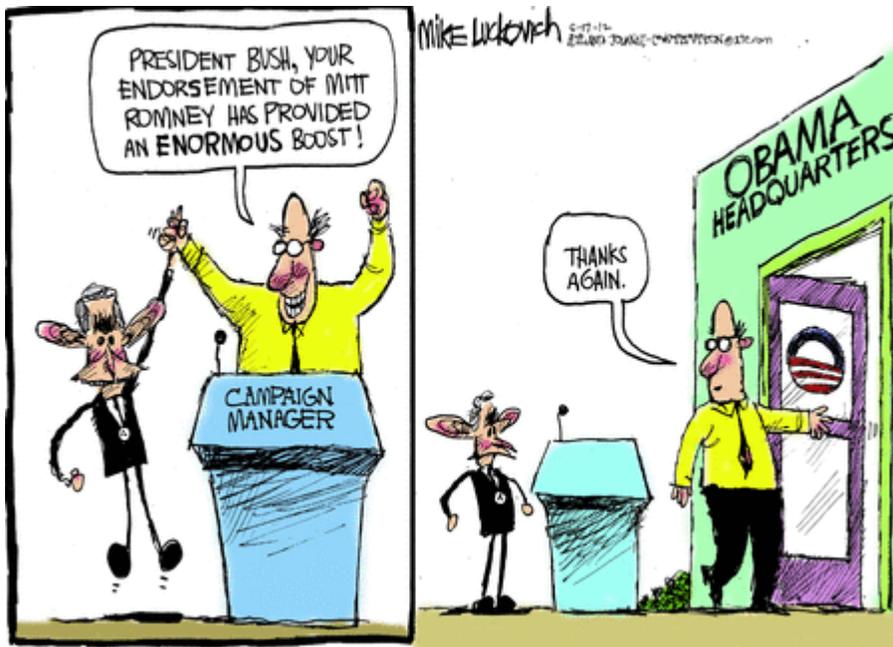


“I’m sorry, sir, but this flight is very crowded. So to save space, we are binding each passenger with bungee cords.”

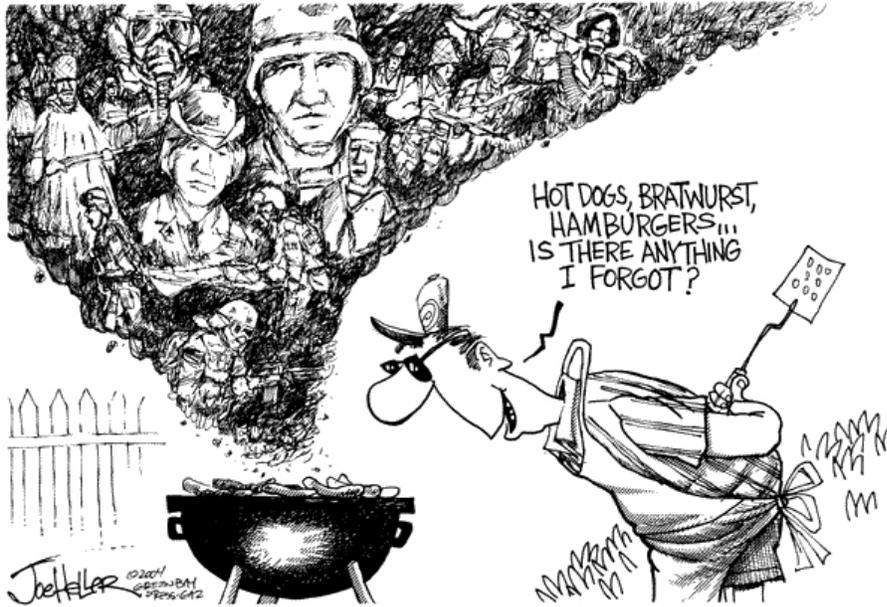








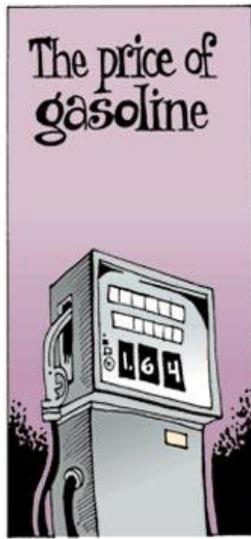
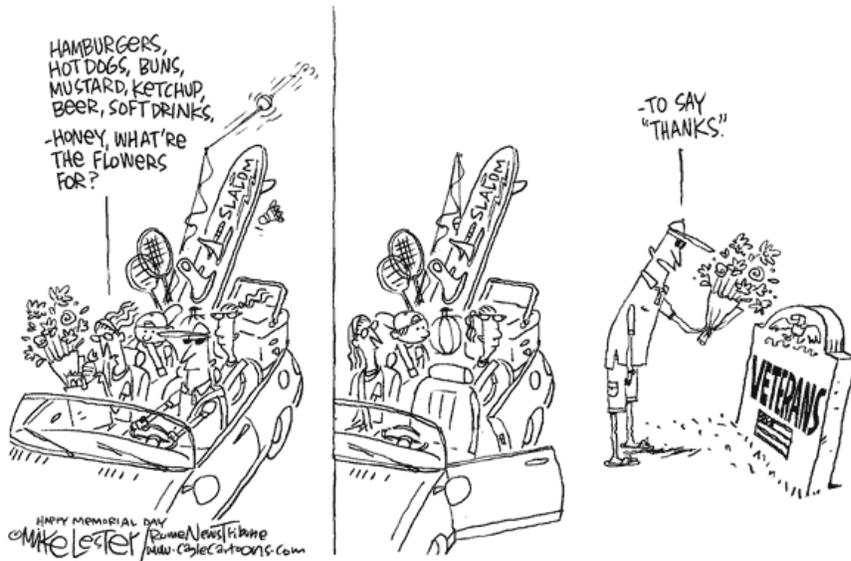
AND FINALLY FOR A DAY OR TWO AFTER MEMORIAL DAY:



Thanksgiving  
is a day when we pause  
to give thanks for  
the things we have.



Memorial Day  
is a day when we pause  
to give thanks to the  
people who fought for  
the things we have.



THINGS TO REMEMBER ON MEMORIAL DAY

