

# KeyOpinion

## Fiddling While Rome Burns (or Washes Away)

**Richard L. Hershatter**  
Contributing Columnist

*Out on Longboat Key,  
That island so low;  
See the wind blow, love,  
See the wind blow.  
It'll take out the beaches  
And the Islander, too;  
The Commission just dithers;  
Alas, it's too true.*

At twin meetings eerily reminiscent of Disney's "Snow White and the Six Dwarfs," Longboat Key's Town Commission last week took the latest step in setting a horrible example for other municipal and county commissions not to follow.

For months, national weather experts have been warning of the approach of another violent hurricane season, similar in damaging effects to last year's devastating storms.

Because Longboat Key, like the rest of the barrier islands stringing the coastline, represents Florida's first line of defense against the onslaught of wind and waves, and because broad, sandy beaches represent the first line of defense of the low-lying islands themselves, local island officials have an intense interest in protecting and preserving the amount of sand on those beaches.

Tens of millions of taxpayer dollars have been devoted to beach renourishment over the years, but equally important have been efforts to retain protective beaches already in place, especially in those instances where buildings have been erected too close to the water.

Hoping to influence Mother Nature's habit of eroding beaches, the Commission several years ago retained the services of Coastal Planning and Engineering (CP&E), a company which holds itself out as a "beach consultant."

After considerable study, CP&E recommended the

erection of solid stone groins, at a cost of millions of dollars, to impede and direct the current-carrying sand.

War broke out almost immediately.

One faction held that solid groins were the equivalent of weapons of mass destruction, i.e. their solid mass would starve down drift beaches of sand and thereby destroy them. Their recommendation was for "Makepeace," or permeable groins, which, like Texas poker players, know when to hold 'em and when to fold or pass them on.

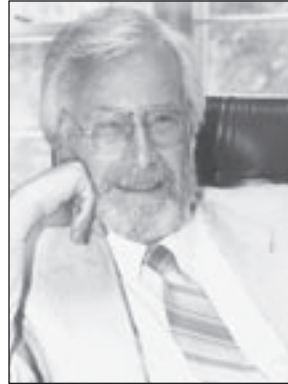
Another group held that groins of any kind were ugly and an affront to the natural order of things. Their preference was to pile the sand high wherever there were hot spots, and bring more sand in whenever it was needed.

The third point of view, adopted by the Commission, was that "father knows best," and CP&E was daddy. Permit applications were prepared and forwarded to the State.

In an excess of caution, the Commission even squandered an additional \$57,000 to a Dutch firm for a computer analysis. The computer digested the material, rumbled, clicked and squealed, and then regurgitated its result, which held that solid Theads would work, unless there was a hurricane. Hello?

Time passed, and the decision finally came down from the permitting authority. In a few hundred well-chosen words, they said "No."

The frenzy that followed was straight out of a Keystone Kops' comedy. Threats were made, suit was threatened, and clarification sought.



Again the State spoke. Its stance: "No solid groins; we are the decider, and what we have decided is unchanged from the original decision communicated to you."

All of which led to last week's meetings, at which one would have expected the logical step of firing the consultant, hiring a new one, and applying for permits for permeable groins with all due deliberate speed. After all, time and tide and the alphabetical progressions of hurricanes wait for no man.

In this case, however, the decision of the seven-member commission was an exercise in stubbornness. They voted to appoint a delegation to accompany their twice-rejected beach consultant on a pilgrimage to Tallahassee, for a final interpretation of the word "no."

With any luck, there will be no more hurricanes this season. In the meantime, the Commission performed one final act which other Municipal and County Commissions, as a service to their citizens, should emulate.

They voted to hold no further meetings until September, leaving July and August free of threat to the taxpayer.

*It's hurricane season;  
The Commission won't move;  
It's hung up on T-heads,  
Until it can prove  
The State is all wrong, love,  
And the town is all right;  
So the next major storm, love,  
The island will smite.*

*Richard L. Hershatter is a retired lawyer and novelist who writes a syndicated column of interest to Floridians. He can be reached at Banyan502@aol.com.*

## Longboat Key News

5370 Gulf of Mexico Drive, Suite 210  
Longboat Key, FL 34228  
Phone: 941-387-2200  
Fax: 941-387-8288  
www.lbknews.com

**Editor and Publisher - Steve Reid**  
sreid@lbknews.com

**Associate Publisher - Melissa Reid**

**Vice President Sales/Marketing**  
Christopher Berloni

**Production Manager - Caron Cooper**

**Office Manager - Mary Cohen**

**Advertising Executives**  
Linda Browning • Nan Kirk

**Associate Editor**  
Lia Martin

**Staff Writers**  
Melissa Reid • Melissa Donley

**Travel Editors**  
Rusty Chinnis • Christine Killeen

**Contributing Columnists**  
Dick Hershatter • Tom Burgum  
Peter Holliday • Al Green  
Karen O'Dowd • The Chaser  
Glenn & Carole Swope

**Graphic Design**  
Jerry Maguire • Caron Cooper

**Newsroom**  
news@lbknews.com

**Letters to the Editor**  
letters@lbknews.com

**Advertising Department**  
ads@lbknews.com  
941-749-0400

**To send digital artwork**  
ads@lbknews.com

## Neutering America and the President

**Tom Burgum**  
Contributing Columnist

The House and Senate both debated the Iraq war last week, this time in the halls of Congress rather than in "drive-by" political pronouncements to the media. The Washington Post found, "The tone and substance of the debates was at times... disappointing. Many Republicans, looking to turn a campaign liability into a weapon, overstated the progress in Iraq, simplistically equated the conflict there with the struggle against al-Qaeda and offensively accused any doubting Democrats of being soft on terrorism. Many Democrats, looking to exploit bad news without appearing to rejoice in it, demagogued about presidential 'lies,' obtusely denied any relationship between Iraq and the war on terrorism and called for troop withdrawal without honestly facing the consequences of such a move." This, from a group who likes to think of itself as the world's greatest deliberative body.

The debate last week is about far more than Iraq. In fact, the entire debate, both in and out of the halls of Congress, is nothing but a "Potemkin village." A "Potemkin village" is defined, especially in a political context, as any hollow or false construct, physical or figurative, meant to hide an undesirable or potentially damaging situation. What is hidden behind the debate on the war is the left's desire to limit the power of the American presidency as a means of limiting America's role in the world. The hostility of many on the extreme left to the exercise of presidential power is in reality hostility to the exercise of American power. "The actual engine driving this hostility," according to the National Review (NR), "is a fundamental suspicion of, and opposition to, the use of American power as a means of defending and advancing U.S. interests at home and abroad."

The National Review is a leading conservative organ



and naturally is disapproving of much the American left does or believes. Still, the record over the last 40 years is hard to ignore. While some disagreed with President Truman's decision to intervene in Korea following the North's invasion of the South in 1950, there was no suggestion he did not possess the power to make the decision. It helped that the Congress and the UN Security Council endorsed the action, but both only were granted after American forces had been committed to action. There was no question of the President's right to initiate action independent of Congress and the judicial branch. Both Presidents John Kennedy and Bill Clinton met crises with decisive action, without regard to either Congressional or international restraints. But times have changed.

In our times, the critics on the left appear to believe there is no legitimate area of discretionary presidential power, i.e., there is no presidential decision that should not be subjected to congressional approval and judicial review. The reaction of the left to the data-mining program conducted by the National Security Agency is illustrative. Outrage followed the initial disclosure but was almost immediately replaced by calls for the President to seek congressional approval of his actions. The hard fact is, the president does not need congressional approval to conduct the warrantless terrorist surveillance programs, data mining or to imprison known terrorists indefinitely. The Supreme Court ruled in 2004 in Hamdi v. Rumsfeld that, "The Founders intended that the President have primary responsibility... along with the necessary... power... to protect the national security and to conduct the Nation's foreign relations. [The Court] has long recognized these features and has accordingly held that the President has constitutional authority to protect the national security and that this authority carries with it broad discretion."

In other words, the court is saying that there is no inherent presumption that an exercise of congressional authority, whether to approve or to constrain the president, is any more or less legitimate than the exercise of presidential authority itself. The Supreme Court has ruled many times that the president's own consti-

**Burgum, Page 8A**