

Marshall taxpayers need help from high court (Editorial)

Marshall News Messenger

Sunday, July 02, 2006

The taxpayers of the city of Marshall need just a skosh of help from the Texas Supreme Court.

Please, ladies and gentlemen of the high court, reject the motion by the city of Marshall for a rehearing in the recently decided case of water rights at Caddo Lake.

Taxpayers will remember you favorably in the next election, we promise. It may just be the only way we can get our city to stop spending our money on this case.

We have just about given up that these legal bills will ever end. The only thing that can possibly stop them is if the city runs out of appeals. If such a thing is possible. We don't much doubt that this case may someday be heard before the International Tribunal at The Hague if the city's outside attorneys can possibly make it stretch that far. By the time this case ends, there may be an interplanetary court system.

So we are down to begging the state's supreme court for help to stop the bleeding of spending if it is at all possible.

Mind you, we can sympathize with the city's lack of understanding of what the court said – though city representatives understood it well enough a few weeks ago to assure us all that Marshall had “won” and that the expense of appeals was well worth it. Of course, Caddo Lake interests also said that their arguments were upheld by the court. The opinion was so ambiguously worded that a layman could not decipher it.

Remember, it is true that Caddo Lake interests first brought this matter to court, but every single judicial appeal – every one – has been brought by the city of Marshall. This court case has been extended because the city keeps it alive.

So, finally, when the city tells us we have “won” this lawsuit, we still cannot let the matter drop.

Or, could it possibly be that the city's victory was not quite so clear, making a rehearing more than just a simple clarification? We suspect time will tell.

City officials tell us that a rehearing seeks to clarify what steps the Texas Commission on Environmental Quality must take regarding permits. A clarification, they say, will help in filing future permits.

But what disturbs us is that the TCEQ does not see a need for any clarification, which means they either understand what the court said, or for whatever reason they do not think it is important to get such a clarification.

Why is this? It seems to us that it would have been the TCEQ's position in the first place to file such a motion for rehearing. With its in-house attorneys, that surely would have been much cheaper for taxpayers.

It could be that the TCEQ is handling the matter improperly, but we cannot dismiss the notion that it is the city of Marshall that is overstepping its bounds and going far and above what it needs to do.

In the end, the reason is apparently academic as our city commission seems committed to staying in court.

We can only hope that the court will rule in favor of the Marshall taxpayers and maybe this will all come to a merciful end.