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BURBANK'S INHERITANCE

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Local newspapers have finally reported that former Burbank councilman Ted McConkey died on Dec. 23 at the age of 77, a story first reported here a week earlier.

Reports by the Burbank Leader/Glendale News-Press and Daily News were about what one might expect in a story about the passing of a former councilman who served one term and was unknown to the reporters and editors in place today. That those brief reports barely noted McConkey's true and mostly notorious legacy is, I suppose, due in equal parts to the natural tendency to avert eyes from the negative in obituaries, the state of journalism locally, and the fact that those who helped make McConkey what he was – and built a myth surrounding him – are now holding or seeking office themselves.

What reporters and editors of today don't know is that, from the very same machine that produced and protected Ted McConkey, we're now presented with current Burbank councilman David Gordon and the two front running candidates in February's election, Carolyn and Phillip Berlin. Albeit with more smiles and civility, the trio served as leaders of McConkey's coterie, and today mimic his example. That's why, though McConkey is no longer with us, I think it's important to note his spirit is as prominent as ever.



Former Councilman Ted McConkey , 1930-2007

I've supported the priorities and ideals professed by McConkey and his protégés, and for decades have championed public access to government, honesty from our government, citizen control and oversight of government, and an end to policies that favor business interests over residents. But the tactics and practices he created, and in some cases borrowed from his reviled opponents, undermine those goals.

I first met McConkey in 1990, and dealt with him frequently while working stories about then-current efforts to expand the airport in Burbank, battles to squeeze public information out of Burbank's City Hall, and an epic war waged between business interests in the city and an embryonic populist movement.

In the first years, I knew McConkey as an active, pugnacious and uncompromising advocate for the ideals of government I've always pursued. He was a vocal supporter of open government and public access to information. He was relentless in insisting city

officials expose existing or perceived conflicts of interest. He was tireless in combating the seemingly endless creep of City Hall staff effectively setting City policy, usurping the council's role. I couldn't hope to count the times he and I joined in caterwauling about various city officials conveniently touting only convenient portions of a whole truth. It was no surprise when McConkey announced he'd run for city council in 1995, with Carolyn Berlin – today a council candidate herself – as his campaign manager.

Early on McConkey partnered with Bob Kramer, then a house painter who was active in school issues. Well known for spending weekends as a volunteer painting distressed local schools, and for monitoring and challenging the school board, Kramer surprised many when he ran for council instead of the school board.

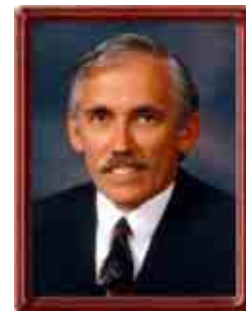
The council was long past due for a populist majority. Entrenched officials routinely dismissed as noxious gadflies virtually every person with a criticism of any council action or proposal. The only exceptions were those business people and developers who criticized the city for not having supported enough exemptions to codes for a project, or for having been stingy with redevelopment dollars doled out in corporate welfare. A council majority bloc reviewed those complaints and almost invariably rolled over and handed over the excesses demanded.

Meanwhile, of course, officials overseeing the airport located within Burbank's borders were moving full speed ahead on plans to dramatically expand the facility, this despite longstanding promises to Burbank residents that no such expansion would ever take place. While advancing that agenda, airport officials flouted public meeting laws and developed a set of perks the last Congress could envy.

City Hall contempt for critics was blatant. The council installed a rule that shut off broadcast cameras when citizens took to the public podium. A council-imposed rule also barred TV camera operators from allowing home viewers to see signs held by critics. Supporters, of course, were routinely given extra on-camera time.

Kramer lost his first race, barely, and returned in 1995 to run with McConkey. Thanks in large part to Kramer's Herculean effort in door-to-door campaigning, he won outright in the 1995 primary election. McConkey was forced into a runoff.

That's when strains between the two began to reveal themselves in tiny ways. Kramer was adamant the pair not run as a slate, each standing on their own merits. But in literature issued after the primary, McConkey listed Kramer as an endorser. Kramer demanded the materials be withdrawn and replaced.



Former Mayor and McConkey ally Bob Kramer.

When McConkey ultimately won in the general election of 1995, there was chaos in City Hall. Kramer had pledged to make removal of then city manager Bud Ovrom his first

priority upon taking office. Then-council member Susan Spanos had clashed often with Ovrom, and it was believed she'd support his firing, too.

It was widely assumed McConkey would support Ovrom's firing. Some suspected it was his idea in the first place. City Hall was rampant with speculation as to how Kramer and McConkey would up-end the status quo. Many, like me, were counting on it.

I thought removing staff was unwise, but was excited at the idea of asking City Hall for records, and getting them without a lawyer's help. The Burbank Leader published an editorial cartoon iconic for the era. It showed Kramer and McConkey wearing skins and wielding spears as they approached a drawbridge at City Hall. Text below read something like, "Barbarians at the gate."

But in the weeks before he took office, McConkey tried to calm the waters. He told me firing Ovrom would be irresponsible, but was having no luck talking Kramer down from the tent pole of his campaign. For a column published about two weeks before he took office, McConkey told me he did not support firing Ovrom.

Days after taking the oath of office, McConkey was leading efforts to dump Ovrom. He told me he was relaying to Ovrom severance proposals developed by Spanos, Kramer and himself, and returning to his colleagues with counter proposals.

Aside from the obvious flip-flop, I was amazed McConkey was describing precisely the sort of illegal meetings with his colleagues that he'd long alleged previous councils conducted routinely.

State law prohibits the majority of an elected body from discussing official business outside public meetings, whether by telephone, e-mail or in person. The law provides exceptions, including some that would allow discussion of Ovrom's termination. But in those circumstances the public must be notified the meetings are taking place. When I expressed my concern, McConkey would only say "This is different."

Ultimately, the hoped-for third council vote supporting Ovrom's removal, the one from Spanos, vanished. Ovrom stayed.

These events just before and after McConkey's election exemplified much of the rest of his service. After years of writing columns that supported the causes and priorities McConkey claimed, I found myself criticizing his hypocrisy more and more often.

Eventually, McConkey and Kramer split, the two rarely even speaking to one another. But McConkey seemed to no longer need the former house painter's band of followers, as he'd developed his own. More on that in a moment.

By 1998 the council was populated exclusively by those who pledged to oppose airport expansion, some with years-long records of making good on the pledge. Still, McConkey and his supporters insisted he alone was holding off expansionists. The

“McConkeystas” maintained that every settlement talk between city and airport officials was a secret attempt to advance expansion.

Virtually every disagreement with McConkey was somehow linked to airport efforts, and the imagined plots were often ludicrous. When the Burbank Leader published an unflattering letter about McConkey, Carolyn Berlin speculated it was run on orders of a publisher eager to sell ads to airlines sure to flood into an expanded airport.

So it went on a variety of issues throughout McConkey’s term. Only he was interested in protecting the people. He often assured us he was thwarting the devious (or stupid) antics of the other four council members that would otherwise allow a larger airport, rampant development and countless other horrors. For McConkey’s fans, that his four supposedly corrupt colleagues so dismissive of public opinion never simply voted to do the things he claimed they wanted to do never seemed worth noticing.

McConkey’s last public foray into local politics filled the two years after his failed reelection run in 1999. With his newest right hand and fellow activist, Howard Rothenbach, McConkey crafted “Measure A,” a ballot initiative that promised to bar the airport from moving ahead on any expansion without first obtaining permission from Burbank’s voters. Again, council members maintained that was their aim, too. But McConkey & Co. insisted the officials were lying, looking for ways to undermine airport victories the city had won in court (in lawsuits approved by the full council).

With worries of expansion rampant, all fueled by assurances from McConkey and the Berlins that expansion was imminent, the ballot measure was welcomed by voters. But a long string of attorneys, including those experienced in aviation law, told McConkey it was rife with errors, and with demands that flouted the US Constitution. Throughout the year after it was crafted, introduced, debated and ultimately voted upon, literally every attorney who reviewed it predicted Measure A would be thrown out by the courts.

McConkey dismissed every criticism as “lies” from the airport or scheming city officials. But one lawyer, McConkey’s longtime supporter and advisor on airport issues, Phil Berlin, declined to take a position on the measure’s viability.

It wasn’t until a few days after the measure won approval by more than 11,000 Burbank voters that Berlin bravely stood and said he supported Measure A. He predicted it would withstand any court test. Berlin thus became to my knowledge the only lawyer to opine Measure A was legally viable. (The council later approved paying a lawyer to work for McConkey’s supporters and defend Measure A in court. Presumably that lawyer also at least claimed to share Berlin’s opinion.)



In their current council campaign photo, Phillip & Carolyn Berlin.

In the end, the supposed propagandists proved right. Courts that reviewed Measure A said it was poorly written, vague and called for restrictions and made demands that violated constitutions of the United States and California. Measure A died. It's now 6 years later, and any sign of construction of the huge new terminal promised in the absence of Measure A has yet to appear.

McConkey made a brief public reappearance in 2004. Carolyn Berlin created yet another in a series of citizens groups, this time "Burbank Voters and Taxpayers" (BVT). The meeting place was a web site hosted through Yahoo's "groups" pages.



Carolyn Berlin lectures Burbank's City Council

Through the middle 90's and up through recent history, several "grassroots" groups have sprung up in Burbank. These came to replace the supporters McConkey first enjoyed on Kramer's coattails. From CUB (Citizens United of Burbank), to the recent iteration of "BVT," the groups had a few things in common. First, they were founded by Carolyn Berlin, or she and her husband Phil – also a candidate for council today – served as advisers to their leaders.

The other attribute common to the organizations were fliers issued alleging heinous plots in City Hall, often tied to airport expansion controversies. In some cases, groups only existed long enough to have their names appear on fliers, literature with content like fliers issued by other groups linked to Berlin.

According to some who participated in the groups and/or distributing the literature over the years, the fliers were created by Carolyn Berlin, always with the caveat that no one could be told of her role.

In one instance, an effectively anonymous flier alleging yet another conspiracy in City Hall was circulated by a commercial distribution center. The owner of that firm told me it was Carolyn Berlin who brought the job to him.

As well as charging that a variety of officials were corrupt, the organizations and overnight groups universally supported McConkey. Time and again, no matter the alleged threat, the literature reported that "only Ted McConkey" was looking out for residents. But there wasn't much tolerance for opposing views in print. When McConkey ran for reelection, the Burbank Leader published an editorial endorsing the opponent. Supporters of one group made an early morning dash to steal copies of the newspapers from driveways and vendor boxes all over the city.

During that same race, when several claims McConkey made during his term about his background, his education and even his military service were refuted, the kind of revelations that routinely destroy the viability of politicians – certainly those whose campaign slogan is "Honesty and Integrity" - the Berlins and the groups insisted none of it mattered, or that it was all lies created by airport expansionists. When it was learned

that, while he held office, some of McConkey's income and property taxes had gone unpaid – the sort of discovery that typically sees politicians at least apologize and explain - McConkey's supporters howled the news was an invasion of a his privacy.

One group even held a "meet the candidate forum," inviting voters to discuss the issues with McConkey at a local restaurant. But Berlin announced a unique twist. She had to approve who could enter, and reporters (even columnists who are also Burbank voters) were not allowed. It was just another example of the double standards that McConkey, the Berlins and others applied to themselves.

Back to BVT and McConkey's 2004 reappearance, Berlin again personally moderated the site, deciding who was or wasn't allowed in. On that site, McConkey charged that, while on the council, he was threatened with arrest if he revealed the council was holding illegal meetings. The absurdity of the claim, that he'd be arrested for revealing illegal acts, coupled with the inference he was silenced by the bizarre threat, never gave pause to Berlin and the former councilman's fans at BVT. They responded with pages of salutes to his "bravery."



Bob Hope Airport - save for 9/11-related construction, unchanged since Measure A died.

McConkey also told BVTers he lost his reelection race because another council member used a city-issued police-type badge to threaten voters who posted McConkey signs in their yards. Alas, and aside from the inherent dubiousness of the claim explaining a gap of 27% and thousands of votes, it was easily established the city had stopped issuing the badges (in response to an expose' written by this columnist). The accused official didn't have a badge.

The double standards came faster than one could track them. In a surreal twist on witch hunts that normally see populist critics of the powerful denounced as unpatriotic, those perceived as less than ardently supportive of McConkey and his backers were publicly branded as corrupt. A council member who voted as McConkey wanted one day was merely intimidated out of doing what they'd hoped by the

power of the people. If they voted against his wishes the next week, they'd been "paid off." Meeting with the "wrong" council member, community activist or journalist could see someone looking for all sides of a story denounced during televised meetings, or through letters to the editor, as a pro-airport-expansion and/or pro-development enemy.

Just last month when I began contacting prominent players in McConkey's politics for comments on his service and passing, some declined to talk on the record because talking to me, a McConkey critic, would endanger their relationship with the Berlins and current councilman David Gordon. One person who anticipates the Berlins will easily

win in the upcoming council elections told me, "Even if I'm saying something good about Ted, if it runs in your column with my name, I won't even have to bother filling out an application [for council appointment to a board or commission] in May. I'd be toast for talking to you."

When a local businessman put out anonymous literature in the 90's to promote a pro-business council member who contorted the truth to claim business in the city was in crisis and needed city help, activists considered it despicable. When activists put out anonymous literature to support a councilman who contorted the truth and trumpeted Carolyn Berlin's claim that "bulldozers" are on the way" to expand the airport, the same activists described it as a "community alert," labeling critics as pro-expansionists.

When political players of the early 90's used the City Hall cablecast of meetings to campaign against development restrictions going before voters, McConkey, the Berlins and others denounced it as an abuse. When today's players use the City Hall cablecast of council meetings to run campaign commercials, critics of the practice are denounced as corrupt puppets of forces trying to silence "the people."

To my mind, this is Ted McConkey's legacy in Burbank's City Hall. Disreputable tactics that have traditionally been almost exclusive to entrenched, power-hungry power brokers eager to feather their nests have in Burbank become the tools of those claiming populist goals. The same unethical and dishonest devices so despicable when employed by officials and their hand maidens more than a decade ago are routine again, plus some new ones. But the deceit is implicitly a more noble pursuit now, because of the agenda claimed by McConkey and his cohorts.

When McConkey and I were accusing the old guard, it was usually easy to attribute their deeds to greed, the pursuit of political ambition and/or the approval of their influential friends. As I've never seen the quest for influence in a small city as being worth the expense of dishonesty and hypocrisy, I can't claim similarly obvious motives for McConkey and the others. Early into his term, I concluded I'd never know what motivated McConkey to do what he did, or what motivated those around him to cover for him. I also came to realize there is no task easier than convincing voters that a City Hall is out to screw them. But even today I have no idea what there is to gain in doing that when the claim is grossly exaggerated, or flatly untrue.

McConkey made me think of Winston Churchill. To the irritation of his fans, however, in my mind that connection was only by virtue of one of Churchill's quotes, one that made wonder if the two had met –

"Everyone is in favor of free speech. Hardly a day passes without its being extolled, but some people's idea of it is that they are free to say what they like, but if anyone says anything back, that is an outrage."
