

Opinions

Not a judge's ruling, but a legal opinion

The Police Jury's \$12 per month garbage tax on the unincorporated areas of Catahoula Parish got a large dose of legitimacy from an opinion that the Police Jury solicited from District Attorney Brad Burget. Burget's letter to the Police Jury on the matter doesn't carry the force of law, but it is an expert opinion and strongly supportive of the Police Jury's power to tax without consulting the voters through the referendum process.

Burget's interpretation relies upon LSA-R.S. 33:4169.1 in Louisiana law to confirm that the parish has authority over the disposal and collection of garbage and also "to assess a service charge against any person provided any service pursuant" to that authority.

Further, the Burget opinion points out that any person who doesn't pay the service charge may be subject to a "privilege upon the property of such person and [that privilege] shall be prior in rank to mortgages, vendor's privileges, and all other privileges except tax privileges." The term "privilege" as used here appears to mean "a grant of special prerogatives", or in other words it's who gets paid first. In sum (if I am correct), it means the unpaid tax will be taken from the

sale of the property prior to paying any other obligations except other taxes.

However, there are four parishes, Lafourche, Vermillion, Washington, and our near neighbor Rapides, who require that all such taxes be submitted to the voters for approval in a referendum election. In a small parish such as Catahoula, this could be a very attractive idea. We are especially vulnerable to cronyism and "jury packing" in which the composition of the Police Jury is subject to control by a faction.

Additionally, such a tendency to cronyism makes it difficult to develop any inclination to structural change in the form of government. In fact, I don't look for it to happen.

Nonetheless, if the Burget opinion holds up, and I would be very surprised if it did not, the only real hope for anyone who objects to the \$12 supplementary garbage tax, or far more importantly, the way it has been levied upon us, is a show of public disapproval at the regular Police Jury meeting scheduled for July 12, 2021 at 6:00 PM in Room 104 in the Harrisonburg courthouse.

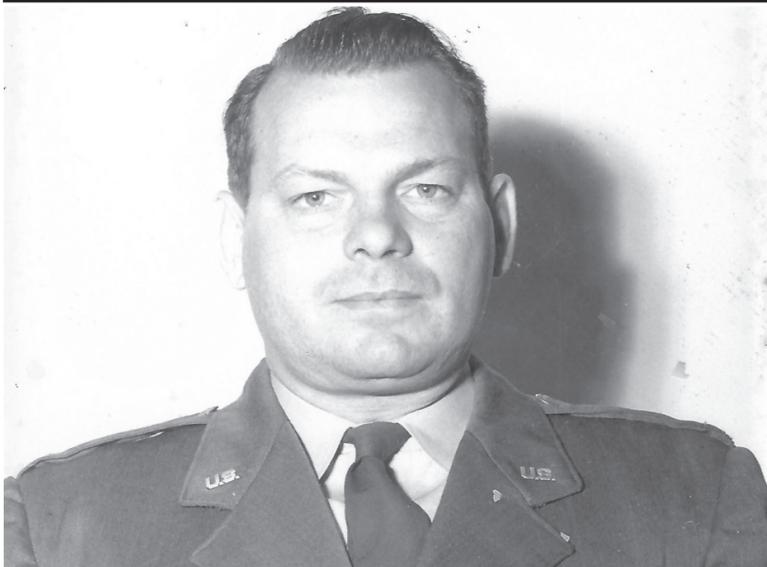
To be clear, while it may be questionable as

By: Leo Chappelle

to the amount of the additional garbage tax or how it is being collected, the real issue here is that our Police Jury is acting on its own authority to tax us. At this low level of government, do we really want that? Every office holder should remember that he will not always be in power, and he must ask himself if he really wants his successors to have the power that he has taken unto himself. Every citizen should ask also.

Daniel Webster famously said in 1819 in the Supreme Court case of *McCulloch v. Maryland*, "An unlimited power to tax involves, necessarily, a power to destroy."

And I do not believe that a Police Jury, particularly one in so small a place as Catahoula Parish, should have so great authority as to destroy. Remember, while one seriously doubts that anyone wants to destroy anything, St. Bernard of Clairvaux in the twelfth century first issued the warning that came to be expressed as, "The road to hell is paved with good intentions." If the people want to spare themselves from a dangerous precedent, despite all its good intentions, they should be at the Police Jury meeting on July 12, 2021 at 6:00 PM.



Veteran Pilot Missing in Korea (Newspaper article)

Levittown-Lt. Col. Robert V. McHale, veteran combat airman who recently received his ninth Air Medal in 11 years of service, has been reported missing in action in Korea.

Notification was received by the flyer's mother, Mrs. Helen C. McHale of 22 Spindle Road. She said the Defense Department telegram reported her son missing since June 12 and said that further details would be sent later.

McHale, 37, married and the father of four children holds the Distinguished Flying Cross and nine Air Medals for meritorious service in aerial combat. He is a veteran of World War II.

An instructor in the Canadian Air Force for two years, he transferred to the U.S. Air Force when World War II broke out. He served in the states and later was assigned to New Guinea

where he won the DFC.

After he returned to the U.S. he was discharged and soon after reenlisted. He served at Mitchel Field and Stewart Field before he was commanding officer of the 319th Fighter Interceptor Squadron.

His wife and children recently moved to West Palm Beach, Fla., to await McHale's return home. Mrs. McHale has two other sons in service and a third who recently returned to civilian life.

Her youngest son, Lt. Paul C. McHale left for Korea recently to serve as an Army intelligence expert. Her son M/ Sgt. Donald McHale of 111 Harvest Lane, also Levittown has since last September when he came home from Korea. Her fourth son, Richard, is studying at the University of California since he was discharged after 12 years of service.



Robert V. McHale, Jr.
Graduated Harrisonburg High School-1963
LSU- BS degree-1968
Pepperdine University MA degree-1978

U.S. Navy-22 years
2 tours (6 years) in A-6 "Intruder" attack squadrons (VA-145 and VA-165)
1 tour as instructor in A-6 training squadron (VA-128)
1 tour as catapult officer on USS Constellation
(5 cruises on aircraft carriers USS Ranger and USS Constellation)
1 tour as Executive Officer and Instructor at Medium Attack Warfare School
1 tour as Air Operations Officer for Commander in Chief, US Naval Forces Europe (London)

Currently instructor at Continental Airlines for Boeing 777

JEB Tales

Good Bloodlines

Last week a section of Louisiana Highway 124 from Harrisonburg to Jonesville was named the Lt. Col. R.V. McHale Memorial Highway. It is interesting that was almost 68 years to the day that Lt. Col. R.V. McHale was flying a night combat mission over water and failed to return to base and was listed as missing in action. He was presumed dead on June 13, 1954. For his leadership and valor, Lieutenant Colonel McHale was awarded the Distinguished Flying Cross with two Oak Leaf Clusters, the Purple Heart, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal, Korean Presidential Unit Citation, and the Republic of Korea War Service Medal. Colonel McHale was one of four McHale brothers to serve our country.

However, if you look at the two pictures you will see two Lt. Col. R.V. McHale's. The fifth McHale to serve our country is Lieutenant Colonel R.V. McHale, Jr. Please look at the two inserts to see just a few of Bobby's accomplishments.

The next McHale is Betty McHale Gaither who graduated from Harrisonburg High School in 1964. Betty then went to NLSC and then the University of Arkansas, where she got her masters and specialist degrees. Betty was a professor at several colleges and universities. She moved back to Catahoula Parish in 2005.

Ann McHale Hopper finished high school in 1969. Ann is now a retired special education teacher and lives in Gulf Breeze, Florida. Back in high school Ann scored 64 points in a game in the Wossman Ninth grade tournament. I was Ann's basketball coach in the 1968-69 season, we won over forty games. Ann always won every free throw contest. Recently, when I told Ann she was the best outside shooter I ever coached, she modestly said, "Helen Randall was a better shooter than me."

William Richard McHale was the youngest child of Gerry Trichel McHale and Robert V. McHale, Sr. I knew Bill McHale was going to be a very successful businessman because the first year I was principal at Enterprise High School the milk box went out in the cafeteria. I had seen an old R.C. Cola cooler in Mr. Owen Bankston's store across the road from Harrisonburg High School. I called Bill and told him I would pay fifty dollars for the R.C. Cola box, but if he could get it for less, he could have the difference. Bill bought it for twenty-five dollars.

Bill married Joan Routon and was a highly successful drilling consultant for Baroid Drilling Products. I'm sorry to say Bill passed away in 2013.

The mother of these four very successful kids was Gerry Trichel McHale who passed away in 1963. At that time, the McHale kids moved in

By John Ed Bartmess, Jr.

with their Aunt Audry Trichel Gibson. Their Uncle Pat Gibson put a second story in the house and the boys lived upstairs with their cousins Joe Pat and Stevie.

Like I said, "Good Bloodlines."

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