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## Take the Debate Back

*How an important civic discussion about a potentially dangerous building, the future of an airport and land-use decisions became about a city attorney.*

By [Scott Lewis](#)

**Thursday, April 5, 2007** | I asked Steve Walker, a spokesman for District Attorney Bonnie Dumanis, for a little help on something Wednesday.

I wanted to know how many times the DA has prosecuted a person for conspiracy to commit a misdemeanor. This is the crime, of course, that City Attorney Mike Aguirre claims he is investigating in the city's Development Services Department. He says employees there conspired to help Tom Story, an executive with Sunroad Enterprises, to break the city's ethics law that prevents Story from lobbying the city on behalf of Sunroad because he only recently left his own post as a top city official.

Walker wasn't successful looking up the data on the DA's computer system. So, he said, he sent out an e-mail to all the prosecutors asking if they remembered any conspiracies to commit a misdemeanor.

He said he got four responses. He felt confident enough to say it was extremely rare.

There is one notorious case on the books, though. Former Mayor Roger Hedgecock was convicted of a conspiracy to commit a misdemeanor, which is a felony, in 1985.

That particular use of the law against a political figure may be rare, but it certainly has precedent.

I then called Michael Pancer, a well-known local defense attorney, who helped coordinate Hedgecock's defense 22 years ago. I wanted to see what Pancer thought of Aguirre's accusations.



He said something intriguing. He was skeptical of the city attorney's need to get a search warrant and that there were "less headline-making ways" for the city attorney to get what he wanted. But then he said that he respects Judge Woody Clarke tremendously.

It was Judge Clarke who gave Aguirre the authorization to search Sunroad offices in his investigation.

That seems to be where a lot of people end up in this increasingly bizarre and captivating civic debate: Confusion about whom to trust.

Then I realized the debate I was trying to manage.

It was all about Mike Aguirre.

How does it always come back to him?

The issue is really about a building. Sunroad built it and it looms ominously over the Montgomery Field airport like some kind of sheer bluff in the desert. It is too tall. It is dangerous for the student pilots that learn at Montgomery and also for the seasoned pilots who may need to land during ugly weather.

From the beginning of this controversy over Sunroad's construction of the office tower, Aguirre has lobbed some very serious accusations against those he said were responsible for it. It's been his way of doing things: The accusation always comes before the investigation.

This is unfortunate. Aguirre's communication style and his bombastic assertions doom many justified and noble efforts to fix the many wrongs in the city. Those efforts too often end up as mere discussions about him.

Take the Sunroad issue. Also Wednesday, I spent some time at Montgomery Field talking to a pilot about the danger posed by this imposing new structure and about the future of this urban airport being surrounded and increasingly crowded by other development.

That's the heart of the discussion we should be having now. How it was that a company could so arrogantly flout the federal government and manipulate the local ones to construct a building that pretty clearly violates federal laws. Are we going to lose Montgomery Field without really planning it openly -- making a determined decision that we really want to lose it?

We could have and would have had this discussion without noticing Aguirre. He could have investigated everything he wanted behind the scenes. He could have come out with criminal charges when he had all of his evidence in hand.

Instead, he chose, many weeks ago, to publicly ask for a federal criminal investigation into the matter. And then, he labeled one of the mayor's top lieutenants corrupt.

If he wanted to request or suggest a federal investigation, he could have picked up the phone. But he chose to shoot across the bow before he had any ammunition.

The discussion immediately moved away from the building in question. Montgomery Field's future was lost. It was about whether what Aguirre was saying was right or not. His public pronouncements gave off the appearance of him overcompensating for his own office's lack of action last summer when Sunroad was putting floor after floor on top of its foundation for the tower.

The public discussion would have happened. The *Union-Tribune* had noticed the building was growing dangerously high. The Federal Aviation Administration and Caltrans had issued stinging rebukes. The story about the building; the debate about safety at Montgomery Field; the discussion about land-use around airports was here. We, as a community, were there. But Aguirre jumped on it like a kid jumping onto the blanket you're trying to fold.

Now, like in so many other important issues in the city, we're stuck debating about Aguirre. It's getting to the point where if you have reform-minded goals, you don't necessarily want Aguirre on your side. He'll use his power in office to hijack the discussion and direct it toward a premature attack on somebody. The target may, indeed, deserve it. But early accusations do little more than potentially aid them if they try to paint themselves as victims.

And this is what made Councilwoman Donna Frye's move Tuesday so important. With a press conference at the site, Frye sought to redirect attention to the truly crucial debate at hand: Is this building a safety hazard and if so, how can we change it?

The city's leaders need to all stand up like she did and grab this issue back. Demand that Aguirre keep his suspicions to himself until he has something to prove. A person may be corrupt, but make a formal charge before you say it.

There is a reason the FBI and U.S. attorney don't lob premature allegations. There is a reason they don't explain their suspicions in press conferences:

It doesn't help anything at all.

Please contact [Scott Lewis](#) directly with your thoughts, ideas, personal stories or tips. Or [send a letter to the editor](#).



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