

# CITY OF COLUMBUS

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DAVID ARMSTRONG

January 22, 2016

Birney Imes  
Editor & Publisher  
Commercial Dispatch  
P.O. Box 511  
Columbus, MS 39703-0511

Re: Letter to Editor in answer to Opinion Column dated January 21, 2016.

Dear Birney:

I write in answer to the opinion column from January 21, 2016 in which the editorial staff at the Dispatch calls upon me to veto the vote of the majority of the Columbus City Council to appoint Oscar Lewis as Chief of Police of the Columbus Police Department. In my view, such an act would be just plain wrong under the circumstances. Perhaps a lesson on our democratic process would be helpful. Historically speaking the veto is designed to be used by the Chief Executive for various compelling purposes. *See e.g. Presidential Veto Powers*, INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE (May, 2015). The veto should not be used indiscriminately. Improper use of the veto could unbalance the working relationship with the members of the Legislative branch and put too much power into the Executive branch. I have been very reluctant to exercise the veto because it should rarely be used. Here are the times when I would be compelled to use it.

First, the veto is available to the Executive branch to protect the Constitution. For example, if the City Council were to outlaw political rallies within the City that would violate the 1st Amendment as well as the State Constitutional provisions allowing citizens to peaceably assemble and to have a free exchange of ideas. If the council sought to enact such an obviously unconstitutional ordinance in Columbus, as Mayor would be compelled to veto the measure in order to prevent the unconstitutional arrest and confinement of citizens who are acting lawfully.

Second, I might exercise the veto to prevent the Council from passing some new law without following proper statutory procedures. As Mayor I would again use the veto as a check and balance to prohibit the government from running afoul of the law.

Third, the veto should be used to prevent Council action that is harmful to the citizenry on policy grounds. Such a measure might not be illegal, but might be nonsensical. For example, if the Council voted to pass an ordinance prohibiting the sale of a commonly used product in the City or passing some other law against the best interest of the majority of the citizens, I would veto that as obviously bad policy.

Fourth, the veto can be used to exert leadership from the Executive Branch. In my view, none of these circumstances existed. In the Council meeting, I encouraged the Council to take some time to consider the answers given by the candidates in the interviews and to make the selection later. However, four of the five Council members were in favor of voting that night. While it is true that Ward 5 was unrepresented in the vote, the matter would have been put to a vote regardless. Birney, if I had vetoed Chief Lewis' appointment, it would have been a personal affront to Chief Lewis. If Chief Lewis was still the successful applicant and was still willing to come to Columbus to serve as Chief (and I am not sure that he would be), what sort of relationship would he and I have if I vetoed his selection?

If I vetoed the appointment of Chief Lewis, it would also be a slap in the face to the three Council Members who voted in favor of Chief Lewis and would in all likelihood damage and unbalance my working relationship with them. Now that three of the Council Members have voted for Mr. Lewis, we don't know whether the other candidates would even want to remain in the running. Moreover, who do you suppose would be willing to apply in the future to work for the City and go through all the process that leads to selection if they thought the Mayor was likely to kill the vote of the majority?

Finally, let me remind you that the final three candidates were well known to me as well as the Members of the Council and the public. I myself have known Oscar Lewis. He was a fine choice and his selection was not unconstitutional, morally repugnant or otherwise in need of cancellation. In summary, I would not have vetoed any of the candidates selected by a majority of the Council because they all were excellent applicants. The decision is made. The decision is final and I look forward to a long working relationship with Chief Lewis.

Perhaps the Dispatch and others may disagree with my decision; however, as the Chief Executive Officer of this City, I stand by it with resolute confidence.