

STATE OF ALABAMA
CALHOUN COUNTY

Dates: Sun, August 17th, 2014 and Wed, August 20, 2014
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Description: Records of Decision Now Available for 4 Sites at the
former Fort McClellan in Anniston, AL.

Adolph Langzett

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Quero Mandy

Elaine Estes

H. Elaine Estes

My Commission Expires
June 13, 2016

Still a blast from the past

Jacksonville's The Rocket maintains family tradition

BY LAURA GADDY
lbgaddy@annistonstar.com

A red sign with the letters "Bar-B-Q" sits atop a crooked metal post on Alabama 21 near Jacksonville and during the lunch hour Thursday the parking lot it marks was crowded by about a dozen cars.

A few yards away is a restaurant with an old facade, its interior marked by dark paneled walls on which are hung framed old country scenes. The tables are wooden and the counter is faux wood. Most days Patsy Marbut can be found standing behind it, welcoming customers while her husband, Gary, works to turn Boston butts into barbecue at the family business.

"We're hands-on," said Patsy Marbut. "For us to be present, I think people feel more comfortable when they see us here."

The Rocket opened in the 1950s as The Rocket Drive Inn. It bought about five years later by Gary's parents, Cecil Marbut Sr., who died in the late 1960s, and Eunice Marbut, who worked in the restaurant well past retirement age. Gary Marbut, 62, began working there as a junior in high school and now owns it with his wife.

"My mother told me I needed to earn some money instead of taking money from her," Marbut said, taking a break, a navy blue apron draped around his neck.

Orders in the restaurant are handwritten, the business hasn't yet begun taking debit or credit cards and it still slow cooks its meat in a 12-hour rotation. A barbecue pit out back is made from stacked stone and features two simple openings, one to stack split wood inside, the other for lining up Boston butts. Marbut said traditional barbecue pits are disappearing and few like the one at his restaurant remain.

"It's the pit, it's not about me," Marbut said.

Brad Thomas, from Lanett, was in town Thursday with friends to watch Robert Waldrop graduate from the police academy in Jacksonville. The five of them stopped in at The Rocket to have lunch after the ceremony.

Thomas said he tries to find small, independent restaurants like The Rocket and he was making his second visit there.

"It's kind of like your hole in the wall barbecue place that every town has," Waldrop said.

A few tables away a young couple shared a seat waiting for a to-go order. A couple of tables over from the couple were two men who sported Auburn shirts, baseball caps and pony tails and just behind Waldrop's group sat Bran-



Stephen Gross/The Anniston Star

Owner Gary Marbut cooks Boston butts in the kitchen at The Rocket in Jacksonville.

di Davis and her friend Erika Hawkins, both of whom said they've visited the restaurant since they were children.

They talked over a barbecue salad and emptied paper food baskets, but agreed the burgers are their all-time favorite menu item.

"You get full after you eat half a sandwich, but they're good," Davis said.

The restaurant employs a total of 15 and on this day a couple of them were busy reading orders on tiny blue notes and shuffling down the narrow galley kitchen to the grill.

Marbut is one of five siblings, all of

whom worked at the restaurant at some point, he said. His sister, Jane Bayda, operates Captain Dave's in Florida, and his brother, Cecil, recently passed his own restaurant on to his son, Tyler.

Gary Marbut said he's not sure how much longer he can keep working seven-day weeks at the restaurant, but he feels sure it won't disappear from the outskirts of Jacksonville anytime soon.

His son, Justin, plans to keep the family tradition going and will eventually take over at The Rocket, he said.

Staff Writer Laura Gaddy: 256-235-3544. On Twitter @LGaddy_Star.

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Basinger will start work Sept. 2. Johnson said Basinger's salary has not yet been set.

The city began searching for a full-time economic developer last year and sought out Basinger after he was recommended by others involved in the economic development industry, Johnson said.

"The bottom line is he was more highly regarded by those in the economic development area in the state than any of the other candidates that were thrown our way initially," Johnson said. "I chose him because of his analytical skills behind the scene, his competitiveness."

Mayor Vaughn Stewart said Basinger's hire will be a game-changer for the city.

"I feel strongly that in retrospect ... 10 or 15 years from now people will look back and see it as a milestone," Stewart said. "We think it's huge in the big scheme of things and it shows that this City Council is all about job growth."

Stewart said Basinger will bring plenty of experience to his new position.

"He's going to aggressively recruit industry instead of waiting for prospects to call," Stewart said.

Basinger, originally from Fultondale, holds a master's degree in public administration from Auburn University and has worked in the economic development business for 14 years. Basinger said he chose the Anniston job due to the city's potential for economic growth.

"The area's proximity to Atlanta and Birmingham — the auto market and the McClellan Development Authority — there's a lot of resources available and that's what it's all about," Basinger said.

Basinger is not the first

economic developer Anniston has had at its disposal. In 1989, the city's retail and commercial development board hired Tom Todt as a retail and commercial development director. Todt was tasked with recruiting retail and commercial enterprises and assisting existing businesses.

Todt, an Anniston native who lives in Lincoln and is now the director for the U.S. Small Business Administration's Alabama district office, said he worked six years for the city and had some success. Todt said he and his board helped establish the Berman Museum in Anniston.

"The idea was to create a draw to bring people into the city to spend money," Todt said.

Todt said he helped several Anniston retailers relocate to better positions in

the city. He also managed a loan program to help finance new businesses or expand existing ones.

"We were moderately successful in what we did," Todt said.

Todt said the retail landscape has changed in the area over the years, specifically with Oxford becoming the retail hub of Calhoun County. However, Todt said, what hasn't changed is what partly pushed the city to seek an economic developer in 1989 — demographics.

Todt said the city is losing not only residents but residents with relatively high incomes — a problem when a city is trying to market itself to major retailers.

"They're looking for a certain amount of rooftops with a certain amount of income," Todt said.

Still, Todt is convinced Anniston has the potential

to grow and that the city is on the right track to succeed.

"I commend the city for hiring an economic developer ... it's good to have someone in their corner," Todt said. "And they're doing a lot of the right things from a leadership standpoint, trying to build on the advantages they have."

Don Hopper, executive director of the Calhoun County Economic Development Council, said he's known Basinger for years and was ready to work with him to bring more industry to the city.

"We'll work together fine ... he's one more opportunity to present the area to potential industry," Hopper said. "Professionally he's a good guy and I think he's a good fit for the city."

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To review the RODs or other site-related information in the Administrative Record, please visit the Army's information repositories at the following locations:

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CHALLENGE

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you're talking against your own case."

Casey is one step closer to ousting one of Alabama's most powerful politicians — but he has plenty of steps to go.

Casey isn't a lawyer. He's one of 12 activists from across the state, many of them affiliated with the tea party, who've filed an unusual court brief that seeks to have Marsh "ousted from office" and denied another term even if he's re-elected in the fall.

Marsh's alleged crime? Revising the Alabama Constitution of 1901.

Few friends

Casey and his 11 friends may be the only people left in Alabama who feel a stirring of genuine loyalty to the state constitution.

Amended nearly 900 times in the past 113 years, the Constitution of 1901 is by far the longest state constitution in the country. Some claim it's the longest governing document in the world. In printed form, bound in reddish vinyl, it's as thick and floppy as an evangelist's Bible.

Inside that bible, however, are commandments no politician in the 21st century intends to obey. Section 256 requires segregation in public schools. Section 259 establishes a poll tax. Section 30 says "immigration shall be encouraged," something Alabama officials are not known for. Section 93 bans "works of internal improvement," apparently an anti-Whig argument made decades too late.

Multiple efforts to scrap the document, over the course of the past century, have failed. Many opponents of constitutional change say they prefer the current document, warts and all, to a constitutional rewrite that would open the door to higher taxes.

Enter Del Marsh, the Anniston senator. When he became president pro tempore in 2010, elected by a Republican supermajority that rode in on a tea party wave, Marsh announced a new plan to revise the 1901 Alabama Constitution.

A Constitutional Revision Commission would meet and review the constitution article by article — every article, that is, except the one on taxation. For every article they reviewed, the commission would suggest a rewrite. Those rewrites would go to the Legislature for approval as amendments, and then to the voters if they passed the Legislature.

So far, the process has yielded little change. In 2012, voters approved new versions of articles on banking and corporations, changes that did little more than scratch out references to telegraphs and railroads. Nothing else has made it to the voters yet.

Shenanigans

For Don Casey, though, the change is itself a violation of the state constitution — an offense grave enough to warrant removing Marsh from office.

Casey claims Marsh's revision process amounts to the convening of a constitutional convention, something he says the Legislature can't do.

"After witnessing the shenanigans that go on in the legislative body, I don't want them to rewrite it," Casey.

In February, Casey and 11 other activists got together to draft a "Quo Warranto in Accordance with Matthew 5:25," an open letter to Marsh demanding that he show where state law gives him the authority to revise the constitution.

"We do hereby recognize (2) acknowledge (3) and accept (4) Senator Marsh your Oath of Office(5) — a voluntary (6) act (7) that is a manifestation (8) your will(9) to uphold (10) maintain(11) and adhere(12) to all restrictions on governmental power (13)," begins a heavily footnoted opening sentence.

That letter is posted on the website of an organization called Alliance for Citizens Rights, of which

“The question is, where does the Legislature get the authority to rewrite the constitution?”

— Donald Curtis Casey

Casey is the vice chairman. In addition to advocating against constitutional reform, group also warns against "the United Nations and its agenda for global, one world government."

One link takes a reader to a clip from the 1964 film "A Global Affair," in which Bob Hope adopts a baby abandoned at the United Nations. The clip, it says, "implies that the sovereign authority of one individual to another exist within the United Nations framework."

In June, Casey filed a longer version of the "quo warranto" in Montgomery County Court. Marsh told The Star at the time that he couldn't make sense of document and forwarded it on to the Attorney General's office. It would take weeks for Casey to finally get his day in court.

Ribbing and reproofing

Casey and the 11 other co-signers of the "quo warranto" are all present in court on Thursday. Some, like Casey, wear suit and tie. Others are in Hawaiian shirts. Filling two of the pew-like rows in the back of the courtroom, they look for all the world like a jury, with Casey as foreman.

But there's no jury today. Judge Shashy is in command, and woe to any attorney who comes unprepared.

"Y'all are not trying very hard, are you?" he scolds one lawyer, who comes before him on an employment case.

"This is crazy," he tells another, who asks to have a case moved to another jurisdiction. "Bouncing around, doing nothing but collect attorney's fees."

Shashy ribs every lawyer who comes before him, and it's sometimes hard to tell where joking ends and reproof begins.

"How's a man going to get around in life without his cash and guns?" Shashy ribs one prosecutor, who asks for a delay in a criminal case in which the defendant's property was confiscated.

"I don't know," the prosecutor replies. "It's tough living out there."

Soon it's Casey's turn. Shashy broaches the question that has been on everyone's mind.

"What's a quo warranto?" he asks.

A moment in court

"A writ of quo warranto is a writ, an extraordinary writ, different from mandamus, that tells an officer of a state to come forward with his authority to act," Casey says.

Jeff Long, who is representing Marsh for the state attorney general's office, chimes in.

"Your honor," he says. "Actually, quo warranto is to oust somebody from office."

"That's what I thought," Shashy said.

Shashy has already given Casey similar grief about coming to the court as a

"relator" instead of a plaintiff. He says the doesn't know what a relator is.

"I don't really know what you're claiming," he says.

The hearing ends after Long gets the chance to read a new, shortened version of the quo warranto, written at Shashy's request. The judge orders Long to respond to the document and he says there will be a hearing after the response is filed.

If the case isn't dismissed.

A single question

"Y'all all didn't need to show up," Shashy tells the 12 relators at one point in the hearing. "I hate for you all to think you have come, just on a motion."

After the hearing, the relators line up outside the courthouse for a photograph. They say they didn't mind taking the time to come to the Montgomery.

"We're all retired," Casey said.

Casey considers his legal challenge a qualified success already. Earlier this year, after members of the Senate asked for an opinion, Alabama Supreme Court Chief Justice Roy Moore and Associate Justice Tom Parker issued opinions saying they thought Marsh's constitutional revision was unconstitutional.

The other seven justices didn't weigh in, but the opinions were enough to shut down talk about passing the commission's revisions in the Senate.

Casey claims his quo warranto sparked state senators to ask the question. And he acknowledges that idea of "relators" bringing such a case is new.

"No one's ever tried it before," he said.

Marsh wasn't at the hearing. Contacted by telephone later, Marsh tells The Star he didn't even know it was scheduled for Thursday.

"Are you talking about that thing that they sent me that nobody could make sense of?" he says. "Honestly, it's something that really hasn't been on my mind."

Despite the fact that his petition calls for Marsh to be removed from office, Casey says the whole matter could be settled if Marsh would answer a single question.

"The question is, where does the Legislature get the authority to rewrite the constitution?" Casey says.

Marsh says there's nothing illegal about changing portions of the constitution though amendments, which are approved by popular vote.

"If the people are in agreement with the changes they're voting on, they have a right to change the constitution," he said.

Capitol and statewide reporter Tim Lockette: 256-294-4193. On Twitter: @TLockette_Star.

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