Subject: FW: Responsible Use
Date: Fri, 23 Jan 2004 09:59:11 -0800
From: "Ernie Crist" <ernie_crist@dnv.org>

-----Original Message-----
From: Ernie Crist
Sent: January 22, 2004 9:47 PM
To: 'Elizabeth James'; Corrie Kost; Mayor and Council - DNV; James Ridge
Cc: FONVCA
Subject: RE: Responsible Use

Dear Ms James:

Thank you for going to the trouble to write down your thoughtful concerns. Would it come as a surprise if I were to tell you that most of what you have said is agreeable to me? The truth is, it is. After all, I like to think of myself as reasonable and civilized. As this is my belief, I am always open to reason and good will.

However, I am also willing to rise to the occasion if the holiest of holies is challenged namely democracy and all this entails. Witch Hunters will find me an uncompromising enemy. To sum up, I believe life is an ongoing struggle for progress, personal and global, and very painful at times. Nonetheless, I believe in it. I also believe that the struggle for democracy is at the very heart of this issue. The struggle for democracy and human dignity is the very highroad to progress.

However, I also believe that progress comes at a price and the price includes a willingness to stand up for the right to criticize and communicate. The issue as I see it takes place against a much bigger background which has been enunciated by possibly the greatest philosopher ever, namely Emanuel Kant who spelled it out in his "Categorical Imperative". When these rights are challenged, under whatever guise, you will find me quite capable and willing to rise to the occasion. The choice is theirs. It is they who started the war and it is I who am the victim.

Thank you,

Ernie Crist

-----Original Message-----
From: Elizabeth James [mailto:cagebc@yahoo.com]
Sent: January 22, 2004 7:24 PM
To: Ernie Crist; Corrie Kost; Mayor and Council - DNV; James Ridge
Cc: FONVCA
Subject: RE: Responsible Use

22 January 2004

Dear Clr. Crist:

I have read your email more than once and also have read your letter to the Editor, published in the local press. Further, because the stars have an uncanny habit of converging, I have listened to a couple of recent open-line radio discussions on the subject of Freedom of the Press and Freedom of Speech.

At the outset, I should say that I am unequivocally in favour of the widest possible freedoms. One's right to those freedoms, however, comes with some very serious responsibilities: the responsibility to obey the law, or suffer the consequences; the responsibility to recognize that one's own rights end when they begin to compromise the rights of others; and, when it comes to elected officials, I believe one's individual rights as an elected official must, to some extent, be subjugated to the collective

rights of citizens that they be respectfully, though diligently, represented.

I have a good deal of angst about the situation that has evolved in the District over the past few years. I wrestle with the questions: Which is paramount, courtesy or the public's right to know? Must they be, on occasion, mutually exclusive?

I understand the tremendous frustration you have felt in the course of your work - because many in the community share that frustration. Frustration over the serious problems in management of taxpayers' affairs at District Hall and, in many cases, over the apparent lack of political will to either acknowledge the deficits or to clean them up. That those deficits have existed is amply shown by, for example, the thefts of time and materials, the lack of sub-contract agreements for Northlands and the 'with full knowledge' contravention of the LGA over the Canlan agreement, to name but a few.

There is no doubt, either, that had it not been for your determination to make sure the public knew everything possible, a good deal of the information about these and other matters may never have come under public scrutiny.

That said, I find it exremely distressing that, in order that the public may have access to information to which it is entitled, you have felt constrained to breach the confidentiality protocol of an in camera meeting. There is more than one problem that needs to be fixed here - and most of the problems cannot be solved by restricting free speech.

Even so, I, too, was uncomfortable when I received your recent email message with respect to Clr. Harris and, frankly, agree with those who have said that was not an appropriate use of taxpayer-owned computer equipment. Taxpayer-owned equipment - including, I might add, the Council table - is provided for the purpose of exchanging information and ideas and to facilitate respectful discussion and decisions. It is not there to circulate and perpetuate animosities.

What distresses me the most about this whole situation is that I think taxpayers - including me - owe you a huge debt of gratitude for the grit and determination you have displayed for so many, many years in representing their interests. The amount of work you do, the contribution you make goes way beyond what we have a right to expect of an elected member of a local council.

Yet here you are instead, with me suggesting to you that when you 'lose your cool,' you also risk losing the cause. Before you explode at that suggestion, perhaps you should stop and answer one of Dr. Phil's famous questions: How's it been working for you so far? Surely, it hasn't advanced your work to be barred from the back office, or for you to have triggered such a punitive by-law?

In the hope that this letter may not be taken as thoughtless criticism, I have some suggestions - and in this, the willing assistance of Mr. Ridge and others will be required:

* Could you write a short couple of pages, outlining the systemic problems - citing one or two of the most serious examples - that have been used to consistently curtail your right as an elected official to fully represent District citizens. The purpose of this would be to have Mr. Ridge look at them and recommend changes to improve the process;

* For his part, would Mayor Bell be open to at least trying two important changes at the Council table: (1) to allow a member of Council to read/speak a couple of lines of 'preamble' to a motion, sufficient to allow members of the public to understand the thrust and intent of a motion, even though it may not receive a seconder and, thus, die on the table; (2) to dispense with the 'rule of the clock.' The purpose here would be to see whether members of the public and council - and, indeed, the Mayor himself - can be 'trusted' not to abuse their speaking time. If this could be accomplished, people would be able to catch a breath while getting their points across and councillors often would not need their second two minutes to complete their train of thought; (3) to assume more of a chairmanship role than of a councillor - and specifically, to facilitate discussion rather than direct it; (4) could members of council try to prioritize their speaking time? Not everyone has to be seen to speak to every item - especially when all they're doing is reiterating points already made by others.

* Last but not least, would Mr. Ridge be kind enough to review all items suggested for future in camera consideration, to ensure that they meet the strictest of criteria for such meetings? In this regard, you might also ask him to take a look at the in camera meeting from which information was released, to make the same determination. From the reaction to this incident, it seems clear that either you or the Mayor are in error as to the appropriateness of having that discussion out of the public eye.

While I am aware that not all West Vancouver citizens are happy with the decision-making of that council either, at least that council engages in courteous discourse on the way to the final vote. Moreover, the meetings manage to start at 7:30 and end at 10:30-ish without anyone - including members of the public -feeling they've not had a fair opportunity to present their position.

All members of Council - and Staff - should recognize that it is not just one individual who has brought us to this point. There has been much 'needling' from all sides. [It might surprise members of Council and Staff just how obvious this is on camera and from the sidelines.] Items have been either included, excluded or positioned on the agenda for all sorts of reasons that had little to do with priority, importance or efficiency. Council requests for report - for whatever reason - have lacked follow-up action. Important items - e.g. taxi-cab safety regulations - have drifted on for years without resolution. Most of all, there have been serious lapses in stewardship of public assets.

Virtually none of that can be blamed on the way in which one councillor reacts to any given situation - less than polite though that may be. Most importantly, until those situations are admitted, dealt with and resolved, frustrations will continue to build and fester - to the point where no by-law, no matter how restrictive, will be enough to turn things around.

It is hoped that you - and the other recipients - will accept the foregoing in the spirit in which it is written - a sincere hope that it will be a positive contribution to the resolution of an extremely difficult problem.

Sincerely,

Liz James
[604] 988-2066

Ernie Crist <ernie_crist@dnv.org> wrote:

Dear Dr. Kost:

Thank you for this valuable information. I had an opportunity to do a great deal of research when Doug Collins from the NS NEWS was charged by the Canadian Jewish Congress for printing "offensive" (to the Canadian Jewish Congress) material. I did not necessarily agree with Mr. Collins on every issue; in fact very seldom I agreed, but I did submit in his defense a resolution and forwarded it to all BC Municipalities in support of Mr. Collin's right to voice his opinion and for the North Shore News the right to print such an opinion however offensive it may be to some people. I did so because I learned a long time ago that the alternatives to free speech are fraught with far more serious consequences then getting upset by a printed opinion we find objectionable. If today they can shut up Doug Collins I thought at the time, surely they will try to shut me up tomorrow and who will come to my defense unless I speak up now.

As it turned out the efforts against Collins were in violation not only of the Canadian Bill of Rights but also of the United Nations Declaration on the Freedom to Disseminate Information, the freedom to read, write and print opinions within the confines of none slanderous print and speech. This, by the way, is what our own Canadian Freedom of

Information laws are based on.

This freedom of expression is reflected also in parliamentary procedure and in all democratic jurisdictions, including Federal and Provincial Parliaments. Imagine for a moment the instant chaos that would result if Federal or Provincial opposition parties were prevented from expressing an opinion because the Government in power finds it objectionable or offensive.

It is my opinion, based on the knowledge and information I have, that Council's decision re this issue was in clear violation not only of standard parliamentary procedure but also of the Canadian Constitution, (Bill of Rights) per se.

The comments made by various members of Council in support of this muzzling policy were truly astounding. The most astounding was undoubtedly the statement by one Councillor that the right of another Councillor (presumably Councillor Crist) to disseminate information via the District e-mail system should be curtailed since to read it all was too time consuming. Another gem was the statement that the right to use the District e-mail facilities should be curtailed since the opinions expressed by at least one member of Council (presumably Councillor Crist) were offensive. Clearly the word offensive in the political arena should be examined. I can assure you that any time a vote takes place in the District that is not in line with my own thinking, I find it offensive.

The same is true when Council censored me for exposing the Northlands fiasco to mention but one example. However, it is also true that despite this I have survived and lived to see another day of battle in the struggle for progress as I see it. The bottom line is that our democratic system cannot and will not work unless we do have the right to criticize. As it happens and judging by press headlines there is plenty to criticise in the District of North Vancouver. This has been confirmed time and time and time again. That the members of District Council do not understand this, is truly disconcerting if not tragic. And as far as slanderous statements are concerned, statements are either true or they are not true.

Ernie Crist

-----Original Message-----
From: Corrie Kost [mailto:kost@triumf.ca]
Sent: January 20, 2004 6:19 PM
To: Mayor and Council - DNV
Cc: James Ridge
Subject: Responsible Use

Your Worship & Members of Council,

The UBC policy, referred to by staff last night, may be of interest to you.
Of course such policies cannot simply be transposed to a political
arena and require careful consideration and consultation before
actually being put in place (as was done at UBC).
It's a pity that this seemed not to have been done in this case.

Why the rush on such a fundamental issue?

Yours truly,
Corrie Kost

http://www.itservices.ubc.ca/rup/

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