

Subject: RE: Responsible Use

Date: Mon, 26 Jan 2004 17:14:22 -0800

From: "Ernie Crist" <ernie_crist@dnv.org>

To: "Corrie Kost" <corrie@kost.ca>, "James Ridge" <James_Ridge@dnv.org>

CC: "FONVCA" <fonvca@fonvca.org>, <Cagebc@yahoo.com>, "Mayor and Council - DNV" <Council@dnv.org>, "Senior Management Committee" <managecomm@dnv.org>

Dear Dr. Kost;

Thank you for your contribution to this debate - I appreciate your insight. What I appreciate even more is that you have responded to this challenge on the side of what is right. Instead of pontificating about "being nice", you have spoken to the real issue. I know you are aware of the old adage "that for evil men to succeed all that is necessary is for good men to be silent". I also know that you are familiar with Pastor Niemueller's immortal message "first they came for the communists and I was silent because I was not a communist, then they came for the socialists and I was silent because I was not a socialist and then they came for the Jews and I was silent because I was not a Jew and then they came for me" etc.

The freedom of speech struggle has been going on since "Sophocles" and long before and ever since, whenever persons who do not understand the laws of social and moral evolution, usually for selfish if not criminal reasons, denied or attempted to deny others the right to criticize any given state of affairs. As a rule we see that this was nothing but an excuse to maintain the status quo which favored a particular group or an individual at the expense of others. I ask is this not the case on the District waterfront where people get special privileges at the expense of the majority?

I believe the time has come to spell out (let it all hang out so to speak) what, in my opinion, are the real reasons why District Mayor Bell and Council have initiated this gag bylaw. It is clearly directed against the people of the District of North Vancouver, albeit under the guise of defending "none offending print" read challenging the right of Councillor Ernie Crist to tell the public the truth about the state of affairs in the District of North Vancouver, including my right to criticize and communicate my concerns to the public.

Today, I have received from you a statement on the true increases of District taxes between 1993 and 2003. According to your calculations "currently Council is on track to have an increase for 2004 over 1994 of around 75% with inflation projected at 17.2%". I am using this example since every member of Council except me will find your statement offensive for the simple reason that it does not make Council, first and foremost Mayor Bell, look very good. It is rather uncomfortable for him and Council and they rather wish you had not said so.

As it is, you are outside their direct control and they cannot silence you. They do have, however, or so they think, a degree of control over me because I am a member of Council. At the very least they can make life difficult for me and they have a thousand ways in which this can be done. And a thousand ways is exactly what Mayor Bell, with the help of Council, has used to make life difficult for me or as Mayor Bell himself, in the presence of District Voters, put it after the election results had come in and when it turned out that I was going to be a minority of one on Council "we now have Crist where we want him". That I have managed to carry out my obligations to the public under such circumstances is certainly not Mayor Bell's and his Council's fault. However, trying to make me toe the line on one hand and my refusal to do so on the other is the reason for the confrontations and this gag bylaw. However, such is their logic, that they will never learn, for this would go against their logic, unless forced to by the public.

As for your statistics, much as I agree with your figures, I believe they are incomplete since they do not take into consideration the indirect tax increases during the same period as a result of the virtual elimination of the Heritage Fund and the Infrastructure Reserve Funds etc.

Suffice it to say that if the money from Land sales plus income from District leases plus the interest generated by this Fund had been allowed to accumulate, as was contemplated in 1986, we would by now have a total of \$ 500 million in this Fund. I leave it up to you to estimate what the interest generated by this amount would have done for the District taxpayers each and every year. This is not to speak about the infrastructure reserve

funds which stood at \$ 91 million in 1997 and which today are close to zero. I mention this because my constant harping of this theme did nothing to endear me to the Mayor and Council. I minced no words about the immorality of such fiscal policies. My protests both in public and in private are legend and were always communicated by email, something the Mayor and Council found extremely "offensive". In the end however, it turned out that I was right. However, it certainly did not endear me to the Mayor who first denied this and then attempted to "shoot me" for being the messenger.

This is one example - there are many, many more. There was, for instance, the case of the Senior Staff reimbursing some members of Council for expenses contrary to Council policy and without Council's knowledge. There was the case of the theft of time which I brought to the attention of the Mayor and for which I was accused in public of being anti staff. To discourage me from voicing these shortcomings in public, the Mayor violated Council procedure much like a petty tyrant in a banana republic violates democratic standards. This is a matter of record.

There was the case of Northlands, Canlan, a DVP application on Marine Drive not to mention the subsidies to the City and the colossal waste of money in many areas which stunned even the most casual council watchers. My protests severely offended the Mayor and his loyal subjects on Council albeit not nearly as much as they offended me as a representative of the taxpayers to whom I am responsible. But the greatest offence by far is the violation of basic democratic principles which became a matter of course.

What is even more offensive is that under Mayor Bell the District has descended to the lowest possible level of mediocrity and this really offends me. The Mayor went even so far as to attempt to incite staff against me. These are in my opinion the real reasons why the Mayor, with the help of his equally guilty Council, is attempting to gag me. However, these attempts can be defeated if the public speaks up and says no to such shenanigans.

Ernie Crist,

From: Corrie Kost [<mailto:corrie@Kost.ca>]
 Sent: January 24, 2004 3:10 PM
 To: James Ridge
 Cc: Ernie Crist; Elizabeth James; Corrie Kost; Mayor and Council - DNV; FONVCA
 Subject: Re: Responsible Use

First, let me say that I really appreciate the quality of this debate!
 So please let me express my concern over these latest developments.
 I will agree that the determination of whether something
 is or is not offensive to "any reasonable person" is a good test for "offensiveness".
 Whether

one can objectively apply this seems problematic. However that is not my
 immediate concern. Where I disagree intensely is that this criteria should lead to
 any censure of the material. Unless it falls into the other categories specified
 UBC does not censure such material, and neither should the DNV policy.
 This is especially all the more so for our political representatives who should
 be allowed a free discourse of ideas, no matter how offensive it may be to
 "any reasonable person". As for staff, I think their superiors, together with
 any union considerations, should be allowed to work things out. In addition, the
 prohibition of
 transmission of certain items should be separate from the download or display
 of the same material - which often is under limited control by the recipient. The
 public may even send material to council which fall into the prohibited categories - but
 who
 will be the censor - especially after the fact?!

As we all know, local governments are closest to
 the people. However, is it the role of local government to promote virtue by
 constraining our freedoms? Certainly virtue cannot be attained when there are
 no freedoms. Coercion, especially by bureaucrats and politicians, of the public's
 freedoms can thus only lead to the decay of virtue. To enforce geniality would

thus destroy our liberty and lead to societal divisiveness instead of harmony and solidarity. In my view there can be no human freedoms for either the collective (sometimes referred to as the hive) or for those in prison. We can only have a great society if we value individual liberty. I therefore urge great caution on curtailing the freedoms of our elected representatives, and through them, those of the public. Democracy dies a little more with every freedom lost.

Corrie Kost

James Ridge wrote:

I don't normally become involved in these sorts of discussions, however the Technology Responsible Use Policy has generated some comment. I think it is appropriate that I be very clear about the intent of the policy. First, the vast majority of the policy deals with technology use that is unarguably inappropriate; sexually explicit material, racist content, deliberate security violations, illegal activities, personal profit, etc. The inclusion of the term "offends" has been the focus of some discussion. Unfortunately I have in the past had to deal with patently offensive material in the workplace (among staff). This is material that does not fall in the category of sexually explicit, racist or criminal. However, any reasonable person would agree that it does not belong in a public sector workplace (or any workplace). I won't describe some of the stuff I've seen...it's early in the day. I think the 'any reasonable person' test is the right one to apply when judging whether something is offensive. It is not just enough for an individual to take offence to the content, but 'any reasonable person' would agree that the content is likely to cause offence. Finally, the policy simply ensures that existing policies (Code of Ethics and Positive Workplace Policy) apply to electronic communications on taxpayer funded technology. The District's technology can still be used for spirited debate, dissent, argument, disagreement, questions and advocacy. The policy simply states that these exchanges, and any exchange between and among staff, must not call into question the integrity or reputation of others. Councillor Crist's invocation of Kant's Categorical Imperative is absolutely appropriate to the policy: "So act that your principle of action might safely be made a law for the whole world." In fact Kant's moral philosophy is at the very heart of the policy: "Always recognize that human individuals are ends, and do not use them as means to your end." (Fundamental Principles of the Metaphysics of Ethics). The UBC policy provided by Corrie Kost applies that principle as well, stating that electronic discourse must be in "...an atmosphere of mutual respect." I hope this helps clarify the intent of the policy. James

-----Original Message-----

From: Ernie Crist

Sent: Thursday, 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 extremely 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 than 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 criticize 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/>

Yahoo! <http://uk.rd.yahoo.com/mail/tagline_messenger/*http://uk.messenger.yahoo.com>
Messenger - Communicate instantly..."Ping" your friends today! Download <
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