

City Clerk Staff

From: J. Kevin Hunt <jkhesq23@gmail.com>
Sent: Tuesday, September 27, 2022 5:20 PM
To: Grp. City Council and City Web Site; Heidi West; Jordan Hess
Cc: Bret Serbin
Subject: Re: Correcting false story is NOT censorship!

Please excuse my repeated reference to last evening's Council meeting as having occurred on "9/29/2022," a date in the future; the correct date is, of course, 9/26,2022.

On Tue, Sep 27, 2022 at 5:16 PM J. Kevin Hunt <jkhesq23@gmail.com> wrote:

I write to explain why Ward 1 Councilor Heidi West is wrong when she says that correcting *The Missoulian's* erroneous report that Councilor Carlino was "censured" by fellow Councilors on 9/19/2022 would somehow (apparently) violate freedom of the press.

I appreciated Councilor West's short, somewhat pedantic civics lesson comment at the 9/29/2022 Council meeting clearly intended as an oblique response to my continuing request that the Mayor make an on-the-record official statement correcting that recklessly false report. I appreciated her comment mainly because it was, I believe, only the second response (such as it is) I've received from my own Ward's Councilperson West in four years. The substance of Councilor West's comment, however, is simply preposterous.

Ms. West said that we "have three branches government, and sometimes a fourth branch, the press, that keeps the other three in check, and it's inappropriate for a government official to reach out and dictate what the press should print." [Note: characterizing a news medium as a "branch of government" is antithetical to both Ms. West's implied argument, and reality.]

Aside from the laughable claim that some watchdog function is performed by the aggressively monopolistic Lee Enterprises *Missoulian* -- which without notice shut down the last independent newspaper in town and consistently reads more like *Pravda* than a "check" on Missoula government -- Councilor West's contention is, whether she realizes it or not, self-defeating and also dangerous.

While my initial reaction to *The Missoulian's* alternative facts was to request that Interim Mayor Hess demand a correction and denounce the story, I quickly shifted to, and have consistently maintained -- the reasonable, respectful demand that Mr. Hess simply state on the record that contrary to what was suggested in the newspaper, Councilor Carlino was not censured by the Council on 9/29.

Councilor West would have the public believe that such a Mayoral statement constitutes "dictating what the press should print," an absurd assertion. It requires no analysis to immediately see that application of such a rule does not protect press freedom, but does impede the free speech rights of herself and her fellow City Councilors.

Under Ms. West's view, the news media could erroneously report that she danced on the dais in burlesque fashion at the last Committee of the Whole meeting, and she could not correct the recklessly false and defamatory reporting lest she "inappropriately reach out and dictate what the press should print."

Poppycock.

Here is what the Montana Constitution's Declaration of Rights has to say about this:

"Article II, section 7. Freedom of speech, expression, and press. No law shall be passed impairing the freedom of

speech or expression. Every person shall be free to speak or publish whatever he will on any subject, being responsible for all abuse of that liberty. In all suits and prosecutions for libel or slander the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the facts."

There is no attempt at prior restraint involved here whatsoever. Nor is there any threat of civil or criminal action. A simple statement on the record that Councilor Carlino was not censured on 9/19, is the appropriate response to *The Missoulian's* unfortunate claim that Councilor Carlino was "censured" and in no manner impedes free speech, press or expression (as does Councilor West's strange, imagined limitation on elected officials' speech).

I previously supplied the Council with the definition of a "censure" as it was used in the relevant context: it is a formal vote by a majority of the delegates of a deliberative assembly declaring that the conduct of one of the members thereof fell below the standards of ethics expected of the assembly's members.

While some members of the Council clearly (and falsely) insinuated on 9/19/2022 that Councilor Carlino, by (unlike the rest of the Council) following the literal text of Council Rule 31, thereby "made a mockery of the process" -- a separate matter for which I've repeatedly called upon the scapegoaters to apologize to Mr. Carlino -- those individual, hypocritical remarks by three City Councilors do not a "censure" make.

And so, with the ludicrous contention that simply correcting the record (and I note that the Council already by unanimous vote approved the 9/19/2022 meeting transcript as the meeting's minutes), a Councilor who did not herself cast aspersions on Councilor Carlino nonetheless once again protects her collegial clique, but this time uncharastically doing so by means of an extreme, bizarre and erroneous constitutional interpretation thankfully bearing no resemblance to reality.

As always, the foregoing is directed to the substance of a proposition, not to the character of the ethical and rational individual positing it.

/s/ J. Kevin Hunt
Ward 1 Resident
(971) 295-1969
jkhesq23@gmail.com

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/s/ J. Kevin Hunt

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City Clerk Staff

From: J. Kevin Hunt <jkhesq23@gmail.com>
Sent: Tuesday, September 27, 2022 3:42 PM
To: Grp. City Council and City Web Site
Subject: Re: Sched Conflict: City & NGO Houselessness Forums

Thank you!

— jkh

On Tue, Sep 27, 2022, 2:02 PM J. Kevin Hunt <jkhesq23@gmail.com> wrote:

Hello! FYI, a resident on NextDoor commented on my post there about Thursday's Housing Advocate Center Homelessness Q & A, that it conflicts with a City housing displacement listening session. Maybe this can be forwarded on to whomever does liaison or scheduling for the City on this. Here is a cut-and paste of the convo there:





[John Kevin Hunt](#)^{Rattlesnake} • 10 hr ago

IF YOU OR SOMEONE YOU KNOW is experiencing or in danger of experiencing homelessness or housing insecurity, or you wish to know more about how people become homeless, what resources are available for those experiencing homelessness or housing insecurity, and how one may become involved in aiding those who are homeless or housing insecure, please attend the Housing Advocate Center's Q & A session from 6-7:30 pm this Thursday 9/29 at the First United Methodist Church, 300 E. Main St. Representatives of public agencies and nonprofit private organizations will be there to provide that information and answer questions. CHILD CARE PROVIDED.

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Anne Gray

Thanks, Anne!

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I wish this wasn't at the exact same time as the Housing Displacement Listening session with the City. Hopefully next time the City can do a better job of coordinating events. <https://facebook.com/events/s/lets-talk-housing/752210779175775/>

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Liz E.

Wow, that's crazy...I made this post based on Councilor Kristen Jordan's announcement as last evening's City Council meeting. Odd that no councilor mentioned the City's Housing Displacement Listening Session. Thanks for the info; I'll forward it on.

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/s/ J. Kevin Hunt

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City Clerk Staff

From: Gwen Jones
Sent: Tuesday, September 27, 2022 3:00 PM
To: J. Kevin Hunt; Grp. City Council and City Web Site
Subject: Re: Sched Conflict: City & NGO Houselessness Forums

I will forward this on to staff, thank you for letting us know about the conflict in scheduling. -Gwen

Gwen Jones
Ward 3 City Councilwoman
606 Woodford St., Missoula, MT 59801
406 549-3295

Note: All emails to and from this address are in the public domain.

From: J. Kevin Hunt <jkhesq23@gmail.com>
Sent: Tuesday, September 27, 2022 2:02 PM
To: Grp. City Council and City Web Site <Council@ci.missoula.mt.us>
Subject: Sched Conflict: City & NGO Houselessness Forums

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